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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ADT	average daily traffic
AGO	Attorney General's Office
Air District	Bay Area Air District
AIS	Automatic Identification System
BCDC	San Francisco Bay Conservation and Development Commission
BE	battery electric
BYD	Build Your Dreams
CA	California
CAHMP	Climate Adaptation and Hazard Mitigation Plan
CAISO	California Independent System Operator
CalEPA	California Environmental Protection Agency
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNEL	Community Noise Level Equivalent
CNG	compressed natural gas
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CTC	County Transportation Commission
dB	decibel
dBA	A-weighted decibels
DEIR	Draft Environmental Impact Report
DMMO	Dredged Material Management Office
DOORS	Diesel Off-Road Online Reporting System
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EA	Environmental Assessment
ECAP	Equitable Climate Action Plan
EIR	Environmental Impact Report
EJC	Earthjustice Coalition
EJS	Earthjustice Website
EV	electric vehicle
FAA	Federal Aviation Administration
FITS	Freight Intelligence Transportation System

GHG	greenhouse gas
GMC	Green Marine Certification
HFC	hydrogen fuel cell
HI	Health Impact
HIA	Health Impact Assessment
HRA	health risk assessment
IHTB	Inner Harbor Turning Basin
IS	Initial Study
LUTE	Land Use and Transportation Element
MAQIP	Maritime Air Quality Improvement Plan
MEIR	Maximum Exposed Individual Resident
$\mu g/m^3$	micrograms per cubic liter
MIC	Maritime Industry Coalition
MIP	Master Infrastructure Plan
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
NAVD	North American Vertical Datum of 1988 Negative
ND	Declaration
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
NO_X	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
OAAC	Oakland Alameda Adaptation Committee
OEHHA	Office of Environmental Health Hazard Assessment
OGV	ocean-going vessels
OHTB	Outer Harbor Turning Basin
OICT	Oakland International Container Terminal
PCB	polychlorinated biphenyls
PM	particulate matter
PM_{10}	particulate matter 10 microns in diameter or less
$PM_{2.5}$	particulate matter 2.5 microns in diameter or less
PMSA	Pacific Maritime Shipping Association
POLA	Port of Los Angeles
POLB	Port of Long Beach
PSE	PSE Health Energy
PSR	Bay Area Physicians for Social Responsibility
RNG	renewable natural gas

ROG	reactive organic gas
RTG	Rubber Tired Gantry
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SEIR	Supplemental Environmental Impact Report
SMART	Specific, Measurable, Attainable, Risk Informed, Timely
SOx	sulfur oxides
SRD	Social Responsibility Division
SSA	Stevedoring Services of America
TAC	toxic air contaminant
TEU	twenty-foot equivalent units
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UTR	Utility Tractor Rig
VMT	vehicle miles traveled
VSR	Vessel Speed Reduction
WOCAP	West Oakland Community Action Plan
WOEIP	West Oakland Environmental Indicators Project
WOSPC	West Oakland Sustainable Port Collaborative
ZE	zero emissions
ZEV	zero-emissions vehicle

G.1 INTRODUCTION

This appendix provides the Port of Oakland's (Port's) responses to comments received from the public, organizations, regulatory agencies, and municipalities concerning the Draft Environmental Impact Report (EIR) during the 77-day comment period (October 3, 2023, through December 18, 2023). It includes copies of comments received and identifies changes in the text of the EIR in response to comments where noted.

Following this introduction, **Section G.2, List of Commenters,** commenters are grouped by agency or public official, by organization, and by individual members of the public. Additionally, oral comments, transcribed by a stenographer, provided during in-person and virtual public draft meetings held on October 25, 2023, November 7, 2023, and November 14, 2023, are grouped. A public meeting was also held on November 6, 2023, but no comments were received during that public meeting. Within the groupings, commenters are organized for agencies by agency official, federal, state, and local affiliation; for organizations in alphabetical order by affiliation; public commenters are in alphabetical order by first name; and oral commenters are in the order they spoke at the public meetings.

Section G.3, Comments Received on the Draft EIR, contains copies of comments received during the comment period. No comments on the Draft EIR were received outside of the comment period. Comments were received in written format by U.S. mail, email, and electronically via the project website https://www.portofoakland.com/turningbasins; or as oral comments transcribed by a stenographer during the in-person or virtual public draft meetings. Each comment submittal is provided in its full form, except for comments from Earthjustice supporters as noted below. Each comment submittal is identified by an abbreviated title code (comment code), followed by consecutive numbering for the discrete comments in the comment submittal, as annotated in the margin. Brackets were placed adjacent to discrete comments to indicate the extent of the comment.

The Port received a compilation of comments from 4,106 Earthjustice supporters. The majority of these comments are similarly worded paragraphs (refer to Section G.5.2.3); only pages from this compilation containing distinct comments (beyond the common wording used in the comments) are included in Section G.3. The complete compilation of the 4,106 comments is included in Section G.6.

Section G.4, Global Responses, contains global responses to issues that were raised by multiple commenters. The global responses are intended to provide a comprehensive overview of the issue, and are supplementary to the responses to specific comments contained in Section G.5.

Section G.5, Responses to Comments on the Draft EIR, provides responses to the specific comments contained and annotated in Section G.3. Where a response includes a change to the EIR, a reference is made to the chapter or section in the EIR where the change was made, and identifies what the change is.

Section G.6, Earthjustice Supporters Comment Submission, contains the complete compilation of comments from 4,106 Earthjustice supporters.

Section 1.3 of this EIR contains a summary of revisions/edits to the EIR, reflecting necessary additions and corrections to address the agency comments, organization comments, public comments, or responses to comments, or initiated to correct the EIR. Text changes appear in order of the section in the EIR in which the change is made.

G.2 LIST OF COMMENTERS

The tables in the following sections provide an indexed list of all agency or public officials, organizations, and public commenters. Table G-1 lists a public official and agencies who provided comments, Table G-2 lists organizations that provided comments, and Table G-3 lists members of the public who provided comments. Table G-4 lists commenters who provided oral comments, transcribed by a stenographer, during the in-person and virtual public draft meetings held on October 25, 2023, November 7, 2023, and November 14, 2023. To facilitate the cataloging of all comments that were received, comment codes were developed that consist of abbreviated titles, followed by numbering for discrete comments within a comment submittal from a single commenter or within one form. The name listed is the name that was provided with the comment or was transcribed during an oral comment. The affiliation is the agency, organization, or group that the commenter submitted a comment on behalf of, or that they self-identified in their comment. The date shown is the date that the comment was received. The submission type is how the comment was submitted to the Port, and includes letter, email, project website form, or oral.

G.2.1 Agencies and Public Officials Commenting on the Draft EIR

Table G-1 identifies a public official and twelve agencies (one federal, five state, and six local) that submitted comments on the Draft EIR during the comment period.

Table G-1 Agency and Public Official Commenters

Comment Code	Name	Affiliation	Date	Submission Type
Public Official				
Lee	Barbara Lee	United States House of Representatives, 12th District California	10/25/23	Letter
Federal Agency				
USEPA	Jean Prijatel	United States Environmental Protection Agency, Region 9	12/18/23	Letter
State Agencies				
CARB	Matthew O'Donnell	California Air Resources Board	12/18/23	Letter
CDFW	Craig Shuman	California Department of Fish and Wildlife	12/18/23	Letter
AGO	Davin Widgerow and Omonigho Oiyemhonlan, for Rob Bonta	California Department of Justice, Attorney General's Office	12/18/23	Letter
DTSC	Dave Kereazis	California Department of Toxic Substances Control	12/18/23	Letter
Caltrans	Yunsheng Luo	California Department of Transportation	12/18/23	Letter
Local Agencies				
Air District	Greg Nudd	Bay Area Air District	12/18/23	Letter
Ala	Allen Tai	City of Alameda	12/18/23	Letter
AlaHA	Vanessa Cooper	Housing Authority of the City of Alameda	12/18/23	Letter

Comment Code	Name	Affiliation	Date	Submission Type
AlaHASM	Sylvia Martinez	Housing Authority of the City of Alameda	12/15/23	Email
BCDC	Jaime Lopez	San Francisco Bay Conservation and Development Commission	12/18/23	Letter
RWQCB	Xavier Fernandez	San Francisco Bay Regional Water Quality Control Board	12/15/23	Letter

G.2.2 Organizations Commenting on the Draft EIR

Table G-2 identifies the six organizations that submitted comments on the Draft EIR during the comment period.

Table G-2 Organization Commenters

Comment Code	Name	Affiliation	Date	Submission Type
350BA	Jack Lucero Fleck	350 Bay Area Oakland Hub	12/18/23	Email
EJC	Katrina Tomas and Michelle Ghafar	Earthjustice Coalition[1]	12/18/23	Letter
EJS	Kyle Berquist	Earthjustice Supporters[2]	12/14/23	Email
MIC	N/A	Maritime Industry Coalition[3]	12/18/23	Letter
PMSA	Mike Jacob	Pacific Maritime Shipping Association	12/15/23	Letter
PSR	Robert Gould	San Francisco Bay Area Physicians for Social Responsibility	12/16/23	Letter

Notes:

[1] The Earthjustice Coalition includes Earthjustice, San Francisco Bay Area Physicians for Social Responsibility, Sierra Club, West Oakland Environmental Indicators Project, Environmental Defense Fund, Union of Concerned Scientists, Pacific Environment, West Oakland Neighbors, 350 East Bay, and Center for Biological Diversity.

[2] Compilation of comments from 4,106 individuals made through the Earthjustice website.

[3] The Maritime Industry Coalition includes the Oakland Maritime, Access, Sustainability and Trade Coalition; Customs Brokers and Forwarders Association of Northern California; Dreisbach Enterprises; GSC Logistics; ILWU Local 10; Marine Engineers' Beneficial Association; Marine Firemen's Union; Pacific Maritime Shipping Association; Propeller Club of Northern California; San Francisco Bar Pilots; and SSA Marine.

N/A = Not applicable

G.2.3 Members of the Public Commenting on the Draft EIR

Table G-3 identifies 37 individual members of the public who submitted comments on the Draft EIR during the comment period.

Table G-3 Individual Commenters

Comment Code	Name	Date	Submission Type
ABl	Amanda Bloom	12/07/23	Email
AFr	Alexis Franz	12/15/23	Project Website
AHa	Ann Harvey	12/18/23	Project Website
ATu	Alan Tubbs	11/04/23	Project Website
BBe	Bruce Bennet	12/19/23	Project Website
CHi	Carol Hirth	12/07/23	Email
CBr	Charles Bret	10/10/23	Project Website
CCa	Charlie Cameron	11/5/23	Letter
CKr	Christopher Kroll	12/17/23	Project Website
CLi	Christopher Lish	12/17/23	Project Website
KKi	Kevin and Cynthia Kihn, Dianne Jonstad	10/23/23	Letter
DPe	David Pedersen	11/13/23	Project Website
EPe	Eric James Pederson	12/18/23	Project Website
EWa	Ernie Walters	12/08/23	Email
GMi	Gina Miller	10/05/23	Project Website
GTh	Greg Thomson	12/07/23	Email
JAl	John Alfonso	12/18/23	Project Website
JJo	Janet Johnson	12/18/23	Project Website
JMi	Jessica Mitchell	12/15/23	Project Website
JOd	John Oda	11/12/23	Email
Ja	Jason	11/09/23	Email
KMo	Kat Moynahan	12/15/23	Project Website
LEi	Lauren R. Eisele	12/07/23	Email
MHo	Martin Horwitz	12/07/23	Email
MSi	Margie Siegal	10/08/23	Project Website
MPi	Mark Piet	10/05/23	Project Website
MGo	Margaret Gordon	10/25/23	Project Website
NAu	Nancy Auker	12/07/23	Email
NWo	Nancy Wong	11/12/23	Project Website
RRe	Richard Reitmeyer	12/19/23	Email
SBa	Steve Bayles	12/18/23	Project Website

Comment Code	Name	Date	Submission Type
SFe	Selena Feliciano, Julio Garcia, and Violet Saena	1218/23	Email
SFu	Sherrill Futrell	11/07/23	Email
SGo	Steve Gorman	10/05/23	Project Website
SSv	Sean Svendsen	12/18/23	Project Website
TSn	Todd Snyder	11/08/23	Email
VMo	Virginia Moriconi	11/14/23	Project Website

G.2.4 Oral Comments Received on the Draft EIR

Table G-4 identifies oral commenters who provided comments on the Draft EIR during the in-person and virtual public draft meetings held on October 25, 2023, November 7, 2023, and November 14, 2023. A public meeting was also held on November 6, 2023, but no comments were received during that public meeting. An affiliation is included if the commenter self-identified as associated with an organization during their oral comment, as transcribed by the stenographer as part of the comment submittal. A total of 14 different individuals provided oral comments.

Table G-4 Oral Commenters

Comment Code	Name	Affiliation	Meeting Date	Submission Type
Verbal Comments from October 25, 2023, Public Meeting				
BDo	Bill Dow	International Longshore and Warehouse Union Local 6	10/25/23	Oral
MGo	Ms. Margaret Gordon	West Oakland Environmental Indicators Project	10/25/23	Oral
BAn	Bret Andrews		10/25/23	Oral
Kth	Katrina Thomas	Earthjustice, West Oakland Environmental Indicators Project, Environmental Defense Fund	10/25/23	Oral
FUe	Fern Uennatornwaranggoon	Environmental Defense Fund	10/25/23	Oral
Verbal Comments from November 7, 2023, Public Meeting				
SRa	Susan Ransom	SSA Marine	11/07/23	Oral
MWi	Mandeera Wijetunga		11/07/23	Oral
MJa	Mike Jacob	Pacific Merchant Shipping Association	11/07/23	Oral
TSp	Trish Herrera Spender		11/07/23	Oral

Comment Code	Name	Affiliation	Meeting Date	Submission Type
Verbal Comments from November 14, 2023, Public Meeting				
BWi	Bobby Winston	San Francisco Marine Exchange, Working Waterfront Coalition	11/14/23	Oral
MGoV	Ms. Margaret Gordon	West Oakland Environmental Indicators Project	11/14/23	Oral
SRa	Susan Ransom	SSA Marine	11/14/23	Oral
MMa	Mark Manes	San Francisco Bar Pilots	11/14/23	Oral
BAn	Bret Andrews	Physicians for Social Responsibility	11/14/23	Oral
JHu	Janice Hunter	West Oakland Environmental Indicators Project	11/14/23	Oral

G.3 COMMENTS RECEIVED ON THE DRAFT EIR

This section includes the copies of comments received on the Draft EIR. Comments are presented in the groupings order presented in Section G.2: public official, agencies, organizations, members of the public, and oral comments. For the public official, agencies, organizations, and members of the public, comments are presented in alphabetical order as listed in Tables G-2 through G-3. For oral commenters, comments are presented in the order the commenters spoke for each public meeting as presented in Table G-4.

The Port received a compilation of comments from 4,106 Earthjustice supporters. The majority of these comments are similarly worded paragraphs (refer to Section G.5.2.3); only pages from this compilation containing distinct comments (beyond the common wording used in the comments) are included in this section. The compilation of the 4,106 comments in its entirety is included in Section G.6.

BARBARA LEE
12th District, California
DEMOCRATIC STEERING
AND POLICY COMMITTEE
Co-Chair
COMMITTEE ON APPROPRIATIONS
Chair, Subcommittee on
State, Foreign Operations, and Related Agencies
Member, Subcommittee on
Labor, Health and Human Services, Education
and Related Agencies
Member, Subcommittee on
Agriculture, Rural Development
Food and Drug Administration, and Related Agencies
COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, D.C. 20515-0509

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Fax: (510) 763-6538
website: lee.house.gov

October 25, 2023

Danny Wan
Executive Director
Port of Oakland
530 Water Street
Oakland, CA 94607

RE: Inquiries on Oakland Harbor Turning Basins Widening Project

I write regarding the future of the Oakland Harbor Turning Basins Widening Project currently being undertaken by the Port of Oakland and the United States Army Corps of Engineers and subjected to the analysis mandated under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Specifically, for the CEQA analysis currently being conducted by the Port of Oakland, I would like to see a comprehensive public engagement plan for this project, inclusive of an assessment of how the project could impact traffic congestion and pollution. Lee-1

Many of my constituents, including organizations such as Earthjustice and the West Oakland Environmental Indicators Project (WOEIP), have concerns that the current Draft Environmental Impact Report ("Draft Report") conducted for the project by the Port of Oakland is inadequate. According to WOEIP and Earthjustice, the report lacks analysis of the impacts beyond the project's construction phase, which therefore improperly narrows consideration of greenhouse gas emissions, impacts on local species, and disclosure of where the dredged materials will be placed. Beyond this, they argue that it fails to consider a future where there is higher ship traffic within the harbor, which could add to environmental impacts including increased truck traffic and congestion affecting residents of West Oakland. Lee-2

In light of the alleged community engagement errors stemming from the Draft Report, I wanted to inquire the following points: Lee-3

- What steps will the Port undertake to ensure the review process includes meaningful public engagement, allowing concerned citizens, local stakeholders, and environmental

organizations to provide input, express their concerns, and contribute to the decision-making process? Lee-3

- Could you ensure that the CEQA analysis is inclusive of an examination of the project's potential effects on the West Oakland community, and required mitigation measures to prevent environmental misjustices? Lee-4

In addition, I wanted to inquire on the processes to include public input and transparency in the decision-making process of this project. It is essential that the affected communities have an opportunity to voice their concerns, provide feedback, and participate in discussions related to significant developments. Lee-5

Thank you, and I look forward to your timely response.

Warm regards,

Barbara Lee

Barbara Lee
Member of Congress

cc:
Michael Colbruno, Commissioner, Port of Oakland
colbruno portcommissioner com

Eric Jolliffe, Environmental Planner, U.S. Army Corps of Engineers
OaklandHarborTurningBasinsStudy@usa .army.mil

REGION 9
SAN FRANCISCO, CA 94105

December 18, 2023

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

Subject: EPA comments on the Oakland Turning Basins Widening Draft Environmental Impact Report

Dear Khamly Choup:

The EPA has reviewed the Draft Environmental Impact Report prepared by the Port of Oakland to assess the environmental impacts of a proposal to widen the Oakland Harbor Turning Basins. While the document available for review was prepared to comply with California Environmental Quality Act requirements, the EPA notes that our agency previously reviewed and commented on the United States Army Corps of Engineers "Oakland Harbor Turning Basins Widening Navigation Study, Draft Integrated Feasibility Report/Environmental Assessment" prepared to comply with the National Environmental Policy Act. The EPA provided formal Draft EA comments to the USACE, and also submitted them to the Port of Oakland as scoping comments. The prior EPA Draft Environmental Assessment comments are attached and, to the extent the comments still apply, are included as EPA's comments to the Port of Oakland for the subject Draft EIR in addition to the comments provided below. USEPA-1

The EPA appreciates the commitment to the use of electric dredge during project construction in order to reduce potential adverse air quality impacts. We encourage Port of Oakland to consider our feedback provided below, and attached (as applicable), to further reduce potential environmental impacts as the Final EIR is being prepared. We understand the USACE is also currently considering the attached recommendations for preparation of the future National Environmental Policy Act Final Environmental Assessment and we appreciate the coordination between Port of Oakland and USACE in addressing the comments.

Operational Impacts from Larger Vessels

The Draft EIR concludes that there is a lack of influence from the proposed project on volume of cargo throughput or port operations and, therefore, the document does not analyze potential air quality impacts from changes to port operations that result from the project. Page ES-3 states, "*The Proposed Project is designed to improve both vessel transit efficiencies and navigational safety in the Oakland Harbor. The Proposed Project is not a development project that removes a barrier to growth, shifts* USEPA-2

cargo from one port to another, or increases the Port's container handling capabilities. It is assumed that the economic variables that directly influence economic growth and subsequent demand for Port services remain constant under the Proposed Project and future conditions without the Proposed Project; therefore, the Port's total projected volume serviced would remain the same both with and without widening of the turning basins." The Draft EIR did not provide various scenarios projecting how the widening of the turning basins and more efficient container movement efficiencies from larger vessels would influence the *timing, scope, and location* of landside port and freight throughput operations. Because no potential scenarios of operations impacts are projected, there is also no analysis of potential impacts or changes to local and regional air quality. Identifying all available construction and operational emissions reduction strategies and reducing emissions from the construction and widening activities, as well as from changes to port operations, is critical for protecting the health of the neighboring Oakland communities and the region. Further, we note that the San Francisco Bay Area Goods Movement Plan includes the following characterization of larger vessel calls: USEPA-2

- *A large vessel offloads in one day the same amount that a terminal typically once handled over the course of two to three days, which creates bottlenecks and operational issues that contribute to queues outside the terminal gates, increases in the amount of time it takes trucks to pick up or drop off a load and decreases efficiency in terminal operations.*
- *Terminal operators have not implemented adequate operational changes to address the cargo surges, such as more shifts or implementation of new technology to help manage the storage and retrieval of containers.* USEPA-3
- *Truckers do not have set schedules for picking up or delivering containers from the terminals…As a result, truck queuing regularly extends as far north as Maritime Street/Wake Avenue/Engineer Road and northwest on Burma Road, as far west as I-880 on 7th Street, and from the south to Adeline Street and I-880.*[1]

The project is intended to draw the largest available ocean-going container vessels, which will exacerbate the problems described above, yet the Draft EIR does not evaluate the impacts to the drayage fleet servicing the Port. If the facility is efficient and competitive, more containers may call at the Port of Oakland and the larger overall capacity of the new vessels may increase total TEU throughput. We commend the Port for noting on Page 3.3-35 that, "The Port adopted an amendment to its environmental ordinance in March 2023, requiring Port tenants that operate cargo-handling equipment to create a plan for converting cargo-handling equipment to zero emissions (Port of Oakland Administrative Code Chapter 9.01). Port tenants are required to submit their conversion plan by December 31, 2023." However, the timing of the implementation of zero emissions deployment is not discussed.

Recommendations: USEPA-4

To improve disclosure, and support potential additional design and mitigation considerations, in the Final EIR, discuss cargo handling equipment and drayage fleets. Include a summary of the commitment to achieve zero emission cargo-handling in the Final EIR and disclose the horizon year that tenants are committing to achieve 100% cargo-handling equipment. Include any incentive programs, or other means the Port can adopt to insure rapid deployment, as well as any

[1] San Francisco Bay Goods Movement Plan, February 2016, page 30 and 31.

monitoring and reporting the Port will implement to insure active progress towards meeting stated zero emission goals. USEPA-4

Page 3.3-32, Table 3.3-7 describes various West Oakland Community Action Plan Strategies and how the Proposed Project is aligned with them. In regards to the impacts anticipated from larger container vessels, the West Oakland Community Action Plan Strategy #43 states, "The Port of Oakland studies the effects on truck flow and congestion due to increasing visits from larger container vessels, the feasibility of an offterminal container yard that utilizes zero-emission trucks to move containers to and from the marine terminals, and the potential efficiency gains from increasing the number of trucks hauling loaded containers on each leg of a roundtrip to the Port." In response, the Port identifies that, "The Proposed Project is expected to improve navigational efficiencies for larger vessels expected to call the Port in the future. The Port has undertaken a Long-Term Traffic and Circulation Study and a Truck Parking Study. Both will be part of the Port's Master Plan, anticipated in 2024".

Recommendations*:*
Describe potential impacts that may result to the timing, intensity, and location of port operations. Specifically, analyze and disclose the potential air quality impacts anticipated from the changes to landside port operations, altered drayage schedules and operations, and heavy-duty truck trips that may increase as a result in increased cargo throughput. EPA recommends that the Port include the Long-Term Traffic and Circulation Study, and Truck Parking Study (referenced as being included in the future 2024 Port Master Plan) in the Final EIR for the proposed project. Highlight any potential operations-related commitments to achieve earlier zero-emission truck deployment and long-term air quality improvement from landside operation impacts associated with larger vessel calls. USEPA-5

Health Risk Assessment
The Risk Assessment of Appendix C evaluates several alternatives and includes a dispersion analysis. The 1-hour maximum PM2.5 concentration calculated by the dispersion analysis exceeds the concentration of the 24-hour PM2.5 NAAQS, 35 µg/m3 for the Diesel Dredging Alternative (Near Howard Terminal), 504.4 µg/m3, and Inner Harbor Only Alternative (Near Howard Terminal), 271.23 µg/m3, which includes electric dredging (see Table 21 of Appendix C).

Recommendation:
Include in the Final EIR an estimate of the maximum 24-hour PM2.5 concentration for both alternatives. *(Note: A federal project could move forward even if it creates a NAAQS exceedance, provided the project emissions are de minimis. Even so, potentially exceeding a NAAQS would be concerning. To note, California has an annual PM2.5 CAAQS, but no 24-hour PM2.5 standard.)* USEPA-6

Community Engagement
The EPA continues to recommend that the Port of Oakland and the USACE establish and maintain continued meaningful community engagement throughout the remainder of the CEQA and NEPA processes – to ensure ample time to incorporate community feedback into the project – and commit to robust outreach approaches to allow for active engagement, including community meetings designed to maximize community participation. Describe in the Final EIR how the Port of Oakland is addressing any community concerns identified following the release of the Draft EIR. Describe how the Port of Oakland is engaging with the West Oakland AB 617 Steering Committee given that the West Oakland AB617 group includes a diverse array of community representatives and other stakeholders who have USEPA-7

USEPA-7

deep community knowledge and desire to address disproportionate air quality impacts in the community.

Thank you for the opportunity to review the Draft EIR. When the Final EIR and future NEPA compliance documentation is available for review, please send a notification to Connell Dunning at dunning.connell@epa.gov. Please contact me to discuss any questions regarding the recommendations provided, and to continue coordination on follow up NEPA analyses.

Sincerely,

For Jean Prijatel
Manager
Environmental Review Branch

ENCLOSURE
EPA February 14, 2022 Oakland Harbor Turning Basin Draft EA Comment Letter

cc: Eric Joliffe
Environmental Manager, United States Army Corps of Engineers, SF District

Stanley Armstrong
Air Pollution Specialist, California Air Resources Board

Mark Tang
Principal Environmental Planner, Bay Area Air Quality Management District

Brenda Goeden
Sediment Program Manager, San Francisco Bay Conservation and Development Commission

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 14, 2022

Eric Jolliffe
Environmental Manager
United States Army Corps of Engineers, San Francisco District
450 Golden Gate Ave, 4th Floor
San Francisco, California 94102

Subject: EPA Comments on the Oakland Harbor Turning Basins Widening Navigation Study, Draft Integrated Feasibility Report/Environmental Assessment, Alameda County, California

Dear Eric Jolliffe:

The U.S. Environmental Protection Agency has reviewed the above-referenced document. The Draft Integrated Feasibility Report/Draft Environmental Assessment analyzes the U.S. Army Corps of Engineers proposal to widen the federal navigation channels of Oakland Harbor turning basins to enable larger containerships to more efficiently enter the Port. The analysis identifies Alternative D-2 – Inner and Outer Harbor modifications using electric dredges and beneficial placement as the Tentatively Selected Plan. Our review is pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. We offer the following recommendations (described in further detail in the attachment) for consideration as the environmental analysis proceeds, and to assist USACE in determining if a draft Finding of No Significant Impact is supported, or if a supplemental Environmental Assessment or Environmental Impact Statement is necessary.

USEPA-8

NEPA/CEQA Integration
Per information shared at the public meeting on January 12, 2022, USACE stated that some analyses regarding potential environmental impacts of concern to the public will be addressed pursuant to the California Environmental Quality Act through an Environmental Impact Report, which USACE has informed the EPA will be initiated in April 2022 and will be in preparation into the following year. The EPA strongly recommends that USACE consider linking NEPA and CEQA analysis to provide a more cohesive public engagement and feedback process and to reduce the potential need to revisit decisions based on additional environmental analyses that have yet to be finalized, have not been shared with decisionmakers and the public, and are still in process through the CEQA analysis. The yet-to-be released Notice of Preparation and associated scoping period, and subsequent months-long process to prepare the Draft EIR, provide an opportunity to synchronize NEPA next steps with CEQA document release milestone dates in accordance with the State of California and Council on Environmental Quality

guidance (NEPA and CEQA: Integrating Federal and State Environmental Reviews (2014). [1]

Air Quality and Environmental Justice
The EPA appreciates that the Draft EA describes that the project area is located near the West Oakland community that faces a high cumulative exposure burden to criteria pollutants and toxic air contaminants. West Oakland was selected by the California Air Resources Board to participate in the state's Community Air Protection Program pursuant to California Assembly Bill 617. The Bay Area Air Quality Management District is working with the community to develop and implement an air quality emissions and exposure reductions programs to address disproportionate air pollution impacts. The EPA appreciates measures, including commitment for electric dredge, identified in the Draft EA to lessen potential adverse air quality impacts given that the project area experiences some of the worst air quality in the nation. Given the project's setting, the EPA recommends additional analyses and considerations to further reduce environmental impacts.

The Draft EA states that the Tentatively Selected Plan would increase the efficiency of ships entering/leaving the Oakland Harbor; therefore the EPA encourages USACE to work with the Port of Oakland to analyze and disclose how the resulting container movement efficiencies would influence the timing, scope, and location of port and freight throughput operations, and also impact local and regional air quality. Identifying all available construction and operational emissions reduction strategies and reducing emissions from the construction and widening activities, as well as from changes to port operations, is critical for protecting the health of the neighboring Oakland communities and the region. Given that the Inner Harbor widening results in greater impacts across multiple resources, the EPA also strongly recommends USACE update the analysis and disclosure of the potential impacts of an Outer Harbor Only Alternative that integrates electric dredge commitments, and present this option, and all alternatives, in a summary table with a discussion of how an Outer Harbor Only Alternative with electric dredge may meet project goals.

Beneficial Reuse of Dredged Sediment USEPA-8
The Draft EA states that the project would generate roughly 1.98 million cubic yards of dredged sediment during construction, with an intention of USACE placing 1.67 million cubic yards of sediment at an upland beneficial placement site and disposing of the remaining 307,000 cubic yards at either San Francisco Deep Ocean Disposal Site or a Class I/Class II landfill. The EPA supports beneficial reuse where appropriate and are able to continue to work with you as opportunities for reuse are refined. We note that if widening the Inner Harbor Basin is retained as a part of the project moving forward, reducing the impacts of storing, transferring, and trucking/transporting dredged sediment from the Inner Harbor location to an offsite landfill will be critical for reducing impacts to West Oakland and the region.

Integration with Land Use Planning
The public and decisionmakers would benefit from a better understanding of how this project integrates with other planned actions at the Port and in the City of Oakland. Specifically, the EPA recommends a more thorough description of how environmental impacts from the project and connected actions would be less than significant when also considering other reasonably foreseeable future actions in and near the port.

The EPA appreciates the opportunity to review this Draft EA. When the Final EA is released for public review, please notify Andy Zellinger, and make an electronic copy available. If you have any questions,

[1]NEPA and CEQA: Integrating Federal and State Environmental Reviews
https://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf

please contact me at (415) 947-4167, or contact Andy Zellinger, the lead reviewer for this project, at 415-972-3093 or zellinger.andrew@epa.gov.

Sincerely,

for Jean Prijatel
Manager, Environmental Review Branch

Enclosures: EPA Detailed Comments

Cc via email: Bryan Brandes, Port of Oakland
Alison Kirk, Bay Area Air Quality Management District
Stanley Armstrong, California Air Resources Board
Julia Kelly, San Francisco Bay Conservation and Development Commission
Kevin Lunde, State Water Quality Control Board

Synchronizing NEPA and CEQA

A joint federal and state environmental review process integrating the requirements of the National Environmental Policy Act and the California Environmental Quality Act can avoid redundancy, improve efficiency and interagency cooperation, and be easier for citizens and applicants. The EPA recommends consulting the 2014 Handbook: NEPA and CEQA: Integrating Federal and State Environmental Reviews (2014) [2], developed by the State of California Office of Planning and Research in coordination with the Council on Environmental Quality. While NEPA and CEQA largely follow the same process for determining the need for an Environmental Impact Statement or Environmental Impact Report, or Environmental Assessment/Initial Study, it is recommended that state and federal agencies synchronize the processes so that the public is not presented with multiple commenting periods, and decisionmakers have the maximum suite of potential alternatives and project design options to consider without revisiting prior analyses and conclusions.

Recommendation:

- The EPA suggests USACE synchronize NEPA and CEQA for the remaining elements of the planning process.
- If USACE intends to continue to pursue an Environmental Assessment to demonstrate NEPA compliance for the project, we recommend publishing a supplemental EA at the same time as the publication of the Draft EIR and publishing the Final EA with the publication of the Final EIR. USEPA-8
- Should USACE determine that the project may result in remaining significant impacts, the EPA recommends synchronizing the release of a Draft EIS with the Draft EIR, and a Final EIS with the Final EIR.

Air Quality

The project area is located within the San Francisco Bay Area Air Basin, which faces some of the worst air quality in the country. The SFAAB is designated as nonattainment for the national 8-hour ozone and 24-hour $PM_{2.5}$ National Ambient Air Quality Standards and is considered in maintenance for CO, but the region has not exceeded that CO standard for many years. The Draft EA details how the Tentatively Selected Plan meets General Conformity requirements for the NAAQS and we appreciate that the USACE has incorporated mitigation for the project's construction phase, including the use of an electric dredge as a project commitment to reduce impacts from dredging.

The Tentatively Selected Plan would meet Clean Air Act General Conformity requirements; however, emissions related to the project may shift and potentially increase health impacts to receptors. While the EPA values the emissions mitigation strategies identified in the Draft EA, we recognize the need for immediate identification and implementation of additional, robust measures to achieve the cleanest air quality and improve public health in the region. We encourage USACE to support all additional project design changes and mitigation measures that would result in improved air quality.

[2]NEPA and CEQA: Integrating Federal and State Environmental Reviews https://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf

Recommendations:

- Coordinate with the Bay Area Air Quality Management District to ensure a robust air quality analysis and potential additional emission reduction efforts to further reduce air impacts.
- Disclose how widening the turning basins would affect timing and intensity of port operations, location and changes related to container offloading, and any changes to transport and movement of freight through the communities around the Port of Oakland. Add clarification to the final environmental document regarding additional air impacts to the community from any connected actions, including altered port operations, if applicable, related to the change in vessel/cargo processing.
- Analyze and disclose adverse emissions and any beneficial reductions to emissions that receptors would experience both from construction and from changes to port operations.
- Identify in the decision document all reasonable mitigation commitments available as a part of construction and operation of the port widening project, including mitigation measures that may be adjacent to the USACE project such as facility-based measures.
- Include a description of air quality and health impacts that may result from the Tentatively Selected Plan and connected actions and the impacts that would result even if the project meets general conformity for NAAQS.
- Incorporate all project features to avoid, minimize, and mitigate emissions from both construction and operational phases of the project as commitments in the final environmental document and decision.

According to pages 174-176 of the Draft EA, construction of the proposed project would increase truck traffic in the project area, an area that faces existing high volumes of truck traffic due to port and industrial activities. Truck traffic is a major concern for community members due to its localized impacts on community health and safety. USEPA-8

Recommendations:

- Describe how USACE and the Port would monitor and enforce construction truck haul routes as part of the Truck Management Plan.
- In addition to the current features of the Truck Management Plan, include commitments to avoid designating truck routes in and near residential areas and other sensitive land uses.
- Consider deploying electric support equipment and electric haul trucks or best available control technologies to minimize tailpipe emission from truck activity associated with the project.
- Describe in the next environmental document the types of impacts that may result to the neighboring communities and any additional mitigation measures that may further reduce impacts to potentially affected communities.

Section 6.10 of the Draft EA analyzes air quality impacts including air emissions calculations from construction schedule and phasing, proposed construction equipment lists, activity levels, and worker and construction truck trips by phase. However, air emissions calculations in the Draft EA lack an analysis of emissions from vessel operations from the Proposed Action compared to the No Action alternative. According to the Draft EA, expansion of the Inner and Outer Harbor Turning Basins would provide beneficial effects by improving operational efficiency and allow larger vessels to serve the Port (by providing appropriately sized turning basins) but would not increase overall vessel traffic (p. 176). Other environmental impacts such as underwater noise from an active turning event for a large container

vessel (*One Aquila*) with three assist tugboats were analyzed in order to understand adverse/beneficial impacts from continued tug-based operations versus a future of vessels being able to turn in the Inner Harbor; however, air quality emissions from this type of turning event were not included in the Draft EA (p. 145). We note that Page 17 of the Draft EA describes current navigational limitations for large vessels calling at the Port of Oakland, including the requirement to back out of berth with multiple tugs and turn outside the Inner Harbor Channel. It further notes that these limitations have been adopted as standard practice for the pilots when handling PPX Gen IV vessels at the Port since 2016, including the four calls that occurred in 2020. The baseline emissions from these four calls may offer insight in predicting what actual air quality benefits may be realized when comparing current operations with what impacts are anticipated if larger vessels are able to turn around inside Inner Harbor.

Recommendations:

- Describe how widening the turning basins would impact navigation requirements and possibly eliminate the need for standard practice navigational limitations currently in place for PPX Gen IV vessels making call at the Port of Oakland.
- Identify projected emissions from an active turning event for a PPX Gen IV vessel under current standard practices (with navigational limitations) compared to an active turning event for a PPX Gen IV vessel with the proposed changes to existing turning basins (without navigational limitations). Clarify net emissions reductions/increases from both scenarios.

Revised Outer Harbor Only Alternative with Electric Dredge

Section 4.8.1 of the Draft EA describes how "Alternatives B, C, D-1, and D-2 all contribute to meeting the objectives of improving the efficiency of operations of containerships within Oakland Harbor and allowing for more efficient use of containerships" (p. 114). The Draft EA describes that Outer Harbor Only (Alternative C) could achieve the project objective while resulting in fewer impacts to multiple resource areas (including noise, potential disturbance to water quality from contaminated dredged material, and no required trucking dredged material to an offsite landfill), higher Benefit Cost Ratio[3], and shorter construction duration. The Draft EA notes that construction-related traffic associated with the Outer Harbor Turning Basin Expansion would occur over approximately 6 months, which is a much shorter duration than that of the Inner Harbor (2.5 years) (p. 177). USEPA-8

Based on Table 34 of the Draft EA, Alternative C would result in "moderate" construction related air quality emissions (mainly due to the use of diesel dredge for construction) while Alternative D-2 results in minor construction related air quality emissions (p. 118). The Draft EA does not analyze the benefits and impacts from a design alternative of Outer Harbor Only with a commitment for electric dredges, as was analyzed for the design alternatives including both Inner and Outer Harbor (Alternative D-2). While the Draft EA compares the impacts and benefits of the array of alternatives, the public and decision maker would benefit from further discussion and consideration of how Alternative C – Outer Harbor Only - with a commitment for electric dredge might adequately meet project objectives with fewer impacts.

Recommendations:

- Analyze the impacts from a design option for Alternative C – Outer Harbor Only – that includes

[3] Table 32 of the Draft EA describes the Benefit Cost Ratio for Alternative C is 5.9 compared to 3.0 for Alternative D-2 (tentatively selected plan).

use of electric dredge for construction and present the impacts in a revised summary table so that the decisionmaker and the public can compare the relative impacts and benefits.

- Confirm if this revised Alternative C with electric dredge adequately meets objectives of improving the efficiency of operations of containerships within Oakland Harbor and allowing for more efficient use of containerships. Clarify the relative difference in impacts between Alternative D-2 and the revised Alternative C with electric dredge.

Environmental Justice and Civil Rights Act

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* (1994), directs federal agencies to pursue environmental justice to the greatest extent possible by identifying and addressing any disproportionately high and adverse human health or environmental effects that the agency's programs, policies, or activities may have on minority and low-income populations. Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021) recognizes the climate crisis is profound and directs the federal government to drive assessment, disclosure, and mitigation of climate pollution and climate-related risks. The EO also directs federal agencies to achieve environmental justice as a part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse impacts on human health, environmental, climate-related, and other cumulative impacts on these communities, as well as the accompanying economic challenges of such impacts.

Community Engagement

The EPA appreciates that USACE acknowledges in the Draft EA that the communities of West Oakland nearest to the Port of Oakland have been historically, and are currently, burdened by disproportionate environmental impacts. During cooperating agency meetings for this project, the EPA highlighted concerns regarding the project's potential impacts to low-income populations and minority populations who live near the project area. The historic burden from disproportionate environmental impacts on the residents of West Oakland have been from multiple sources of pollution, including from port operations. Due to existing high cumulative exposure burden of air toxics and criteria pollutants, the West Oakland community was selected to participate in the first year of California's Clean Air Protection Program under California Assembly Bill 617. Residents have been working extensively over the past years in partnership with the Bay Area Air Quality Management District and a diverse array of stakeholders, including the Port of Oakland, to develop and implement a Community Air Action Plan to address existing pollution from major sources, including the Port. Community members have been highly concerned about air quality in this area and have been very interested in learning about and meaningfully informing any planned projects that could adversely affect air quality. USEPA-8

Recommendations:

- Continue and maintain community engagement throughout the planning process to ensure ample time to incorporate community feedback into the project and commit to robust outreach approaches to allow for active engagement, including community meetings designed to maximize community participation (e.g., promoting broadly within local community forums, sharing with existing relevant groups, sharing via social media).
- Conduct additional community outreach and engagement efforts, including:
  - Hold additional community meetings to ensure that potentially impacted residents understand the proposed project and have the opportunity to inform the project's design and NEPA analysis.

- Ensure that all project-related information and updates are conveyed using plain language so that community members can readily understand the project and its potential impacts.[4] Describe any efforts that USACE undertook to address language barriers.
- Given that the West Oakland AB617 group includes a diverse array of community representatives and other stakeholders who have deep community knowledge and desire to address disproportionate air quality impacts in the community, we continue to recommend that USACE engage with the West Oakland AB 617 Steering Committee.

Environmental Justice Analysis

Pages 21-26 of the Draft EA describe the existing conditions that informed the environmental justice analysis. Demographic characteristics are provided for census tracts within both a 0.5-radius and 1-mile radius of dredging activities associated with the project, identifying census tracts with low-income and minority percentages that exceed the county average by 10% as the areas of EJ concern. Three of six tracts within a 0.5-mile radius and nine of nine tracts within a 1-mile radius appear to have meaningfully greater percentages of low-income and/or minority populations. The Draft EA concludes that the project would not result in disproportionate adverse impacts to communities with EJ concerns. Analysis of environmental justice impacts is inherently a cumulative impacts analysis and a more robust analysis and consideration of the cumulative setting and impacts, as described below, is critical for understanding if environmental justice impacts will result.

Recommendations:

- Ensure that the study area for the environmental justice analysis captures all project-related impacts. For example, the current study area does not appear to account for transporting sediment through communities to placement sites (e.g., landfills) or from offsite port-related operational activities (e.g., rail and truck activity). USEPA-8
- Given the importance of cumulative impacts within an environmental justice analysis, provide additional information on other past, current, and planned activities that contribute to pollution near the project area. Confirm whether the project would result in significant adverse impacts to nearby communities when considering these past, current, and planned activities. Consider cumulative impacts of highways and other sources of pollution in the port and areas surrounding the port.
- In addition to the summary of community outreach and feedback included on page 207 of the Draft EA, provide additional details on the community outreach that was undertaken, including the number of community meetings held, approaches that were taken to promote awareness of the meetings, and a description of meeting participants.
- For additional suggestions for strengthening the project's environmental justice analysis, we recommend that USACE consider the Federal Interagency Working Group on Environmental Justice's *Promising Practices for EJ Methodologies in NEPA Reviews.*[5] The EPA is available to coordinate with USACE regarding the EJ analysis for this project. Please contact Morgan Capilla, Environmental Justice Coordinator, at 415-972-3504 or capilla.morgan@epa.gov with any questions.

According to EPA's EJSCREEN mapping tool, several census block groups near the project area appear to have high concentrations of linguistically isolated populations. The Draft EA does not appear to

[4] For resources on plain language, see: https://www.plainlanguage.gov/

[5] Available at: https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

discuss language needs of potentially impacted communities, and it is unclear what efforts were made to address language barriers to ensure all affected populations were meaningfully engaged in the NEPA process.

Recommendation:

- Provide additional information about the language needs of communities that would be affected by the project.
- Describe efforts made by USACE to ensure that any linguistically isolated populations were meaningfully engaged during project development.
- Ensure that all additional community outreach is responsive to the language needs of potentially affected residents.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d

As the NEPA lead agency, the EPA recommends that USACE confirm all federal commitments which are relevant for this project, including Title VI of the Civil Rights Act of 1964 and the above Executive Orders. We note that in July 2019, the EPA's External Civil Rights and Compliance Office entered into an informal resolution agreement with the City of Oakland and Port of Oakland to resolve a Title VI complaint relating to a redevelopment project at the Port. That resolution agreement required, in part, that the City of Oakland and Port of Oakland submit for EPA approval a robust public engagement plan for the redevelopment project. The EPA and the Port of Oakland continue to review the project-specific public engagement plan to ensure that the community of West Oakland's concerns are addressed.

USEPA-8

Recommendations:

- Given the federal government's renewed national EJ policy commitments, and the ongoing Title VI concerns at the Port of Oakland, the EPA reiterates the importance of meaningful public engagement and urges USACE to continue to refine public engagement best practices as the project evolves.
- While the past Title VI Complaint does not apply to the Oakland Harbor Basin Widening Project, the EPA recommends considering the public engagement plan that was established as a part of the informal resolution agreement as a starting point for outreach for the Oakland Harbor Widening Project.

<u>Dredged Material Management</u>

The EPA appreciates USACE's commitment to beneficial reuse of suitable dredged material and we note that the Draft EA analysis of beneficial reuse is consistent with Section 204(d) of Water Resources Development Act 1992 and Sections 124 and 125 of WRDA 2020. The EPA cannot comment on the accuracy of the anticipated dredged material volumes and expected disposal locations provided in the Draft EA on Table 38 and we encourage continued coordination as the information regarding dredged volume is refined. As the EPA stated during resource agency working group meetings, without initial sediment testing USACE cannot confirm the scope and extent of contamination at depth. However, Table 38 does err on the conservative assumption that the majority of the material may be suitable for beneficial reuse as foundation material (Draft EA p. 123).

In Chapter 3.4 of the Draft EA, Water Quality, pertinent Clean Water Act sections (404, 401 and 402) are listed; however, Table 57 indicates this project will not need authorization nor compliance with those CWA sections. Such a definitive assessment of future regulatory requirements prior to finalizing a

Project Action seems preemptive and unnecessarily narrow. As the proposed project is refined, it is expected that the project description will evolve and may require re-evaluation of regulatory nexus (p. 200).

In Section 4.1 of the Draft EA, *Problem Identification and Opportunities*, USACE provides a succinct and clear summary of the joint efficiencies the project would provide to navigation and sea level rise resiliency through the beneficial reuse of suitable sediments. We encourage USACE to ensure that project logistics and funding enable beneficial use of sediment to the fullest extent. The selection of all-electric dredging equipment is an important factor in project compliance with Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Recommendations:

- Once sediment testing is completed, consider the use of environmental clamshell buckets as an additional impact minimization measure when dredging areas with confirmed high concentrations of contaminants that require Class I and II disposal.
- The EPA encourages USACE to take a broader stance in the final environmental document to indicate the potential for CWA discharges through the proposed action, and to identify avoidance, minimization, and mitigation measures required by the CWA permitting mechanisms as the project description is further refined.
- Table 57 states that there would be no jurisdiction under the Marine Protection Research and Sanctuaries Act for the project as there would be no aquatic and ocean disposal. Clarify this statement to explain that, if ocean disposal is proposed in the future, MPRSA would be the guiding regulation (Draft EA p. 200). USEPA-8

Integration with other Planned Projects

The Draft EA does not sufficiently describe how the Tentatively Selected Plan to widen the Oakland Harbor Turning Basins and connected actions would be coordinated with other reasonably foreseeable projects planned in the adjacent area. The Draft EA discloses that 4.9 acres of fast land would be removed at Alameda, 0.2 acres of fast land at Schnitzer Steel, and 2.3 acres of fast land at Howard Terminal, but there is insufficient detail regarding potential conflicts with other planned construction activities, and potential cumulative impacts to resources if multiple projects proceed at the same time. For example, the environmental planning process for the Oakland Harbor Turning Basins provides an opportunity to identify potential cumulative impacts to altered truck ingress/egress routes and truck traffic volume when considering all projects would be proceeding along identified timelines. The potential A's Stadium proposed for the Howard Terminal and the Eagle Rock Aggregates Oakland Terminal Project may also affect the timing, location, and scope of environmental impacts identified through the analysis for the Oakland Harbor Turning Basins and the NEPA process is the appropriate forum to identify commitments for reducing potential impacts from multiple ongoing projects anticipated to proceed concurrently.

Recommendations:

- In the next environmental document, include how the footprint of the Oakland Turning Basins project would impact both the footprint of the existing uses of Howard terminal (such as goods movement staging operations) and other planned and proposed projects potentially using Howard Terminal.

- Provide clarification on how the proposed project would be integrated with other proposals for port operations, Howard Terminal and other Alameda land uses.
- Consider cumulative impacts of proposed land use projects and identify mitigation measures to reduce impacts.

USEPA-8

December 18, 2023

Khamly Chuop
Port Associate Environmental Planner/Scientist
Port of Oakland
530 Water Street
Oakland, California 94607
kchuop@portoakland.com

Sent via email

Dear Khamly Chuop:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Oakland Harbor Turning Basins Widening Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2022050647. The Project is proposed within the Port of Oakland (Port), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB applauds the Port for proposing the use of zero-emission infrastructure to support electric dredgers during the construction of the Project. However, CARB is concerned the Project would result in an increase in larger vessels calling at the Port, resulting in increased TEU throughput. The increase in twenty-foot equivalent unit (TEU) throughput at the Port may result in increased landside operations and the construction of new landside facilities, leading to increased onsite equipment operations and heavy-duty truck and train traffic serving the Port that would negatively impact the residents of the West Oakland Community. To address this concern, the Port should fully evaluate the potential air quality impacts resulting from the Project's contribution to increased landside operations and require the use of zero-emission technologies during the construction and operation of the Project. As discussed in this letter, the Port should evaluate the Project's impacts on the Port's landside operations using an existing-conditions baseline or provide adequate evidence demonstrating that an existing-conditions baseline would be inappropriate.

CARB-1

California has established clear requirements and goals to combat climate change and adverse health outcomes from criteria and toxics pollution. For example, CARB's Scoping Plan, Sustainable Freight Strategy, and State Implementation Plan Strategy chart a course to meet the state's climate goals and State Implementation Plan commitments. Additionally, Governor Gavin Newsom has taken action to help meet the state's air pollution and climate challenges, including the signing of Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State Local agencies like the Port are essential partners in achieving these goals. be zero-emission by 2045 for all operations

CARB-2

where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals.

To ensure that lead agencies, like the Port, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the Port to adopt the zero-emission technologies within the Project area recommended in this letter.

CARB-2

Project Description & Background

The Project proposes widening the Port's existing Outer Harbor Channel Turning Basin (OHTB) and Inner Harbor Turing Basin (IHTB) to accommodate larger vessels. The OHTB and IHTB were originally designed and constructed to accommodate vessels with a 1,139-foot overall length, 140-foot beam, and 48-foot draft. According to the DEIR, in recent years, the lengths and widths of the vessels calling at the Port have exceeded the maximum vessel dimensions required to safely transit through the two existing turning basins; this has resulted in transit restriction limits on larger vessels accessing the Port. To address this, the Port proposes to increase the width of existing turning basins to accommodate vessels with a capacity of 19,000 TEU and a length of 1,310 feet. The Port states in the DEIR that the proposed modifications to the OHTB and IHTB would increase the TEU carrying capacity of vessels calling at the Port from 6,500 to 19,000 TEU, resulting in a 192% increase in per vessel TEU carrying capacity compared to the vessels currently serving the Port.[1] Although the Project could double the Port's TEU throughput, the Port claims in the DEIR (without substantial evidence) that the increase in higher TEU capacity vessels would not increase freight throughput or induce growth at the Port.

CARB-3

According to the DEIR, the widening of the OHTB and IHTB would begin in July 2027 and would be completed over 2.5 years. The widening of the IHTB would require dredging the enlarged basin to 50 feet below mean lower low water (MLLW), removing dryland, structures, pavement, and pile-support structures adjacent to the existing, and installing a new bulkhead. The widening of the OHTB would require dredging the enlarged basin to 50 feet but would not impact dryland. Dredging would be performed during approved environmental windows with an electric-powered barge-mounted clamshell/excavator dredge. Overall, modifying the OHTB and IHTB would result in the installation of approximately 2,450 linear feet of bulkhead and the removal and placement of approximately 2.5 million cubic yards of aquatic dredged and excavated land-based

CARB-4

[1] Port of Oakland. Oakland Harbor Turning Basins Widening Project Draft Environmental Impact Report. Page ES-2 through ES-3. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzlSDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

materials.[2] The DEIR states most of the dredged material would be placed at a beneficial-use site to protect, restore, or create aquatic wetland habitats. Some excavated and dredged material may require disposal at a Recycler, or a Class I or II landfill. Ultimately, the DEIR estimates project construction would result in 32,280 heavy-duty truck trips through the neighboring West Oakland Community.[3] CARB-4

It is Reasonably Foreseeable that the Project Will Increase Freight Throughput and Associated Freight Activity and Emissions at the Port of Oakland

The DEIR indicates that allowing large capacity vessels to call is a major goal of the proposed widening of the OHTB and IHTB. The Port claims that this increase in individual vessel capacity would not result in any increases in freight throughput. However, this claim is not supported by evidence in the record, and the capacity-related increases resulting from the proposed project could reasonably be expected to result in an increase in TEU throughput at the Port. This increase in TEU throughput, in turn, may result in higher volumes of related activity, including heavy-duty diesel truck and locomotive traffic, and operation of on-site cargo handling equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions and contribute to regional air pollution and global climate change at the Port and in the surrounding community. Critically, this reasonably foreseeable increase was not evaluated in the DEIR. CARB-5

As provided in the DEIR, the Project would effectively increase the freight capacity of vessels calling at the Port from 6,500 to 19,000 TEU, resulting in a 192% increase in per vessel TEU carrying capacity over baseline levels. The DEIR does not adequately explain how facilitating calls from larger-capacity vessels would not increase landside operations at the Port. The DEIR also does not discuss the reasonably foreseeable construction of new landside facilities to process any additional influx of TEUs.

In Section 3.3 (Air Quality) of the DEIR, the Port states, "the Proposed Project is not expected to increase freight throughput or change landside operations at the Seaport, and there would be negligible changes in criteria pollutant emissions associated with landside operations as a result of the Proposed Project."[4] Although the Port states the effect of the Project on the operations at landside facilities would be negligible, the Port evaluated CARB-6

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[2] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 2-37. Table 2.5-3. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzlSDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

[3] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 2-38. Table 2.5-4. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzlSDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

[4] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 3.3-45. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzlSDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

water-side air quality impacts using a future baseline of 2030, 2040 and 2050. As presented in Table 3.3-10 (In-Water Operation Emissions Summary - Tons per Year) of the DEIR, the Port evaluated in-water operation emissions in 2030, 2040, and 2050 under a future with- and without-project scenario. Based on this analysis, the Port found that the vessel fleet mix and vessel call quantities resulting from the Project would not result in a net increase in air pollutants for the future years evaluated.

The Port goes on to state that "the existing activities at the impacted land and waterside areas would be relocated or consolidated, and there would be negligible changes in air quality emissions associated with the relocation or consolidation of existing activities outside of the physical change in location where they are released, if relocated."[5] The Port justifies not evaluating increases in landside operations by stating: "the specific locations and extent of consolidation that would occur are unknown, which prevents a detailed analysis from occurring; but in general, any change due to differences in minor trip lengths and activity would be minimal overall, assuming no other changes to demand and growth." Since the Project would allow larger TEU capacity vessels to access the Port, CARB staff urges the Port to evaluate the potential air quality impacts associated with the increase in off-road equipment operations, heavy-duty on-road truck traffic and rail traffic required to transport TEUs from the Port during its operation after construction is complete.

CARB-6

Although CARB urges the Port to evaluate the Project's operational air quality impacts using an existing-conditions baseline, as discussed in the section below, CARB staff compared TEU throughput between a future with- and without-project scenario for the years 2030, 2040, and 2050 using the data provided in the DEIR. This comparison is meant to demonstrate that the Project will increase TEU throughput at the Port even when using a future-conditions baseline. This analysis is based on container vessel TEU capability data presented in Table 2.3-1 (Container Vessel Class Summary) of the DEIR and future vessel calls data presented in Table 3.1 (Future Vessel Calls by Vessel Class) of the DEIR. As shown in Table 1, below, by using the vessel trip and TEU capacity presented in the DEIR, CARB staff have found that the minimum and maximum TEU throughput at the Port would increase from 640,622 to 965,836 TEU in the year 2040 and 92,245 to 1,040,520 to in the year 2050. Since both the future baseline and future with-Project scenarios account for the same projected freight throughput and an annual growth rate of 2.1%, these increases in TEU throughput can only be attributed to larger vessels facilitated by the proposed widening of the IHTB and OHTB. CARB urges the Port to further evaluate the increase in TEU throughput using an existing-conditions baseline.

CARB- 7

[5] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 3.3-39. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzlSDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

Table 1: Comparison of TEU throughput Under a Future Baseline and Future with Project Scenario

Scenario	Minimum Total TEU Throughput[1]	Maximum Total TEU Throughput[1]
Future Baseline 2030	11,635,177	16,794,852
Future With Project 2030	10,988,371	15,895,124
Change	-646,806	-899,728
Future Baseline 2040	14,318,449	20,544,069
Future With Project 2040	15,184,285	21,184,691
Change	865,836	640,622
Future Baseline 2050	18,562,977	25,464,557
Future With Project 2050	19,603,497	25,556,802
Change	1,040,520	92,245

1. Total TEU throughputs were calculated using container vessel TEU capability data presented in Table 2.3-1 (Container Vessel Class Summary) of the DEIR and future vessel calls data presented in Table 3.1 (Future Vessel Calls by Vessel Class) of the DEIR.

CARB-7

Based on the minimum and maximum TEU throughputs provided in Table 1, it is difficult to understand how the proposed widening of the IHTB and OHTB would not increase landside operations at the Port. If the analysis shows the Project would result in a net increase in air pollutant emissions that exceed the Bay Area Air Quality Management District's (BAAQMD) significance thresholds, the Port must disclose that finding, and it must incorporate all feasible mitigation, including requiring the use of zero-emission trucks and onsite equipment and cleanest available locomotives during the construction and subsequent operation of the Project, as further discussed in the section below.

CARB-8

The Project Will Expose West Oakland Community Residents to Increased Air Pollution

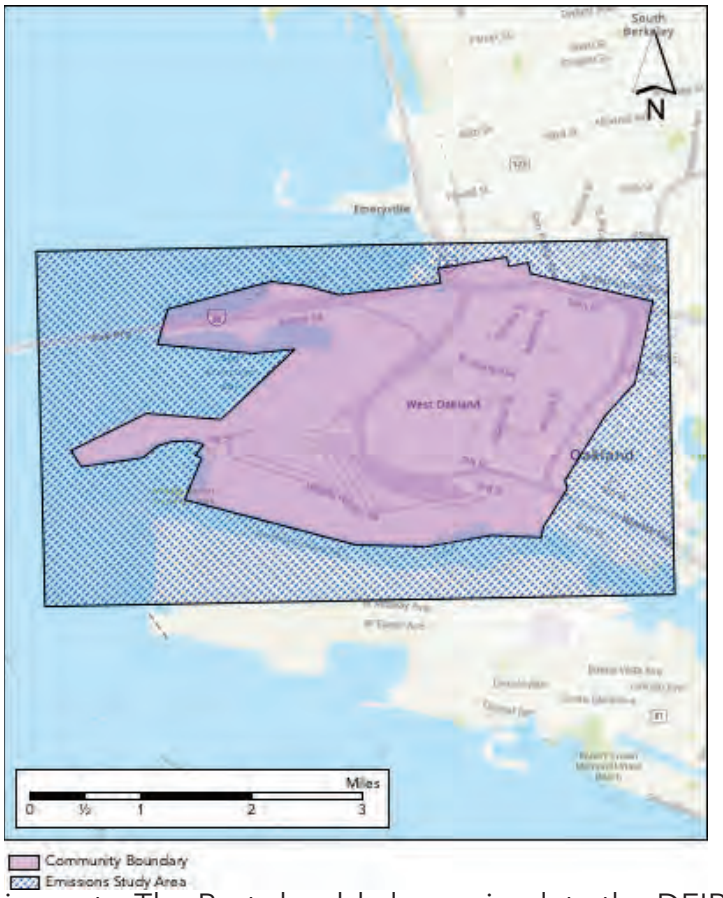
As discussed above, despite the DEIR's unsupported assertions to the contrary, it is reasonably foreseeable that the Project will increase freight throughput at the Port, as well as intermodal and cargo handling activity. Consequently, the Project will increase air pollution exposure for the people living and working in the West Oakland Community.[6]

The West Oakland Community has a high density of sensitive populations including children and the elderly; these populations are at schools, hospitals, and daycare centers located near mobile and stationary emissions sources of concern. These sensitive receptors have been burdened with disproportionate health impacts from air pollution. The West Oakland Community experiences some of the highest rates of asthma, poverty, and unemployment in the region. Health impacts from air pollution include increased rates, risk, and severity of

CARB-9

[6] This community is defined within CARB's Office of Community Air Protection Program. See community boundary image and supporting data files at *https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communities/west-oakland*

many illnesses like asthma, bronchitis, emphysema, pneumonia, coronary heart disease, abnormal heart rhythms, congestive heart failure, cancer, stroke, and premature death.



The West Oakland Community's cumulative air pollution sources include pollution from vehicle traffic along Interstates 880, 580, and 980, as well as existing freight operations, industrial facilities, and the Port. Because of the exposure to these cumulative air pollutants and other health-related disadvantages, residents of West Oakland Community have lower life expectancies (seven years fewer than residents in the Oakland hills)[7] and higher mortality rates from lung diseases, which can be partially attributed to constant exposure to air pollution. CARB-9

To protect the people living and working near the Project, the Port should evaluate the Project's operational air quality impacts associated with the increase in TEU throughput and implement all feasible mitigation measures in the Project's final design to reduce those impacts. The Port should also recirculate the DEIR if this further analysis triggers any of the recirculation criteria set forth in CEQA Guidelines section 15088.5.

The Port Should Use an Existing-Conditions Baseline when Evaluating the Project's Operational Air Quality Impacts

In Section 3.1.1 (Baseline Environmental Conditions) of the DEIR, the Port states that the "Draft EIR will identify when historic or projected future baseline conditions—rather than the May 31, 2022, baseline—are used in the respective environmental topic analysis for a particular resource topic; where historic or projected future baseline conditions are used for a resource topic, it is noted in the respective resource section."[8] Although an CARB-10

[7] Environmental Defense Fund, "How pollution impacts health in West Oakland," 2019, *https://www.edf.org/airqualitymaps/oakland/pollution-and-health-concerns-west-oakland*, accessed December 5 2023.

[8] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 3-2. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzISDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

existing-conditions baseline was used to evaluate environmental impacts for other resource area sections in the DEIR, such as noise, the Port chose to evaluate the Project's operational air quality impacts by comparing a future without-project (future baseline) to a future with-project vessel call scenarios for the years 2030, 2040 and 2050. In the DEIR the Port states, "the use of the future operational baseline rather than the existing baseline is appropriate for this situation, and allowed under CEQA because the vessel fleet will likely change in the future as a result of other economic and global influences to the shipping industry, including growth, efficiency improvements, and vessel emission improvements as well as the physical change to the turning basins."[9]

To evaluate the Project's effects on the Port's operations, the Sym Modeling Suite of Tools (HMST), developed by the Institute for Water Resources, was used by the United States Army Corps of Engineers (Army Corps) to forecast the number of vessel calls for the future without project, and future with project, scenarios for years the 2030, 2040 and 2050. Based on this analysis, the Army Corps found that the Project would result in a reduction of 138 container vessel calls in 2030, 330 container vessels in 2040, and 477 container vessel calls in 2050.[10] The Port also evaluated the increase in air pollutant emissions using a future baseline in Table 3.3-10 of the DEIR. The Port's air quality analysis found, using a future baseline, that the increase of larger vessels calling at the Port would result in a reduction in air pollutant emissions.

CARB-10

Using a future-conditions baseline to evaluate the Project's operational air quality impacts is inappropriate because the agency fails to disclose the impacts the Project would have on the existing environmental conditions in the area. Pursuant to Section 15125(a) of the CEQA Guidelines, the baseline should consist of conditions that exist at the time the NOP is published.[11] To evaluate the air quality impacts associated with the change in vessel calls at the Port, the DEIR should have evaluated the Project's operational air quality impacts using a 2022 baseline year, which is the year the Project's NOP was released. The use of a future baseline is, at times, allowed under CEQA in unique circumstances where an agency can show that an analysis based on existing conditions would tend to be "misleading or without informational value" or that the use of a future baseline is "justified by unusual aspects of the project or the surrounding conditions." (See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 CA4th 439). Based on CARB's review of the DEIR, the Port does not provide enough clear analysis or discussion as to why an existing conditions baseline would be misleading or without informational value. The Port may already be operating at full capacity. Perhaps the only driver for increased growth at the Port is a

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[9] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 3-4. Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzISDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

[10] Port of Oakland. Oakland harbor Turning Basins Widening Project Draft Environmental Impact Report. Page 3-4. Table 3.1-1 Accessible at *https://files.ceqanet.opr.ca.gov/279066-2/attachment/S-egjB4bkl_QzISDOsK0G82-O2KGgasR5fGpLcEdxxZoP89zwhkrEbpaHam9CsTCidlbVNJrZMo8j6Ys0*.

[11] Title 14 CCR § 15125 (a) Accessible at *https://www.califaep.org/docs/CEQA_Handbook_2023_final.pdf*

capacity-expanding project like the proposed Project. To this end, CARB urges the Port to evaluate and disclose the potential increase in freight activities at the Port using an existing baseline. CARB-10

To better understand the Project's potential impact on freight activities at the Port, CARB staff estimated the Project's container vessel calls at the Port under a 2022 baseline year and 2030 future with Project scenario, as shown in Table 2 below. The 2022 baseline vessel calls presented in the table are based on data extracted from the Marine Exchange Data. The 2030 future with project vessel calls is based on vessel call data provided in Table 3.1-1 (Future Vessel Calls by Vessel Class) of the DEIR. As shown in Table 2, the Project would result in an increase of 1,191 vessel calls between a 2022 baseline year and a 2030 with Project scenario. To fully evaluate the Project's potential operational impacts, CARB urges the Port to evaluate the Project's air quality impacts using an existing conditions baseline. To this end, the Port must also evaluate the Project's operational impacts, which may increase onsite equipment operations and truck and train trips. CARB-11

Table 2: Comparison Vessel Calls between Baseline Year 2022 to Future With Project Year 2030

Vessel Class	Baseline Year 2022[1]	Future With Project Year 2030[2]
Sub Panamax	274	150
Panamax	132	231
Post-Panamax Generation I	121	532
Post-Panamax Generation II	167	563
Post-Panamax Generation III	134	321
Post-Panamax Generation IV	2	24
Total	830	1821

1. 2022 baseline vessel calls are based on Marine Exchange Data
2. 2030 future with project vessel calls are based on trip estimates provided in Table 3.1-1 of the DEIR.

The Port Must Include More Mitigation Measures to Reduce the Project's Significant Impact on Air Quality and Public Health During Project Construction

The Port concluded in Section 3.3 (Air Quality) of the DEIR that the construction of the Project would result in a potentially significant impact on air quality. According to Table 3.3-9 (Unmitigated Construction Emissions Summary - Average Pounds per Day by Year), the construction of the Project would result in 82 pounds per day of oxides of nitrogen (NOx) in 2028, and 77 pounds per day of NOx in 2029, exceeding the BAAQMD's significance threshold of 54 pounds per day of NOx. The construction of the Project was also found to expose the nearest residences at the Waterfront Ballpark to diesel PM that would result in a cancer risk of 124 in one million, as shown in Table 3.3-14 of the DEIR, which is over 12 times the BAAQMD significance threshold. CARB-12

To mitigate the Project's air quality impacts, the DEIR included a mitigation measure, referred to as MM AIR-1 (Construction Air Quality Mitigation), to reduce the Project

emissions of NOx and diesel PM. Mitigation Measure AIR-1 includes requiring all diesel-fueled off-road construction equipment to be equipped with a US EPA Tier 4 final compliant engine, requiring all on-road heavy-duty trucks to conform to the most stringent emissions standards, restricting truck idling to two minutes, requiring all haul trucks transporting soil, sand, or other loose material off-site to be covered, and other measures to reduce the emissions of fugitive dust. Even after implementing these measures, the Port concluded the impact on air quality associated with the construction of the Project would remain significant and unavoidable.

CARB-12

Although CARB commends the Port for including mitigation measures that require the use of Tier 4 off-road construction equipment and a project design measure requiring the use of an electric dredger during the construction of the Project, more mitigation measures must be included in the DEIR to reduce the Project's significant and unavoidable impact on air quality. Even where impacts will remain significant and unavoidable after mitigation, CEQA requires that all feasible mitigation measures be incorporated (see California Public Resources Code§ 21081; 14 CCR§ 15126.2(b)). To meet this requirement, CARB urges the Port to include measures in MM AIR-1 that require zero-emission trucks to transport the sediment from the Project site during onsite dredging activities and to require tugboats equipped with Tier 4 engines. As shown in Table 2.5-4 (Truck Trips for Hauling Demolished, Excavated, and Dredged Materials) of the DEIR, 322,800 cubic yards of dredged sediment will have to be transported to either a Class I or II landfill, or a recycler facility, which would result in approximately 32,280 heavy-duty truck trips. These trucks, which would be one of the highest diesel PM and NOx emission sources associated with the Project, would travel through the West Oakland Community. Requiring the use of zero-emission trucks during the transport of the dredged sediment would significantly reduce the diesel PM emissions in the West Oakland Community.

CARB-13

As presented below, CARB has many regulations that promote, and that will require, a transition to the use of zero-emission trucks at freight facilities. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).[12] The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available zero-emission trucks that can meet the freight transportation needs of individual industrial uses proposed in the Port today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

[12] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule that requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, and specifically to reach: CARB-13
    - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
    - 100% zero-emission refuse trucks and local buses by 2040
    - 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emissions medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either $50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

With the implementation of these regulations, specifically the Advanced Clean Trucks Regulation, zero-emission trucks have become more commercially available. However, many of CARB's regulations that require the use of zero-emission trucks at freight facilities

would not go into effect once the Project is completed. To this end, to protect the air quality of residents and the children at schools within the West Oakland Community, CARB urges the Port to include a measure in MM AIR-1 that would require zero-emission trucks during the construction of the Project. CARB-13

Multiple State Laws Demand Further Analysis and Protection for Communities Impacted By The Project

Because West Oakland is legally recognized by the state as a disadvantaged community, and as an environmental justice community by the City of Oakland and was selected for the CARB Community Air Protection Program, the following three pieces of applicable legislation need to be seriously considered; they also demonstrate the particular need for adequately analyzing and mitigating the Project's impacts.

Senate Bill 535 (De León, 2012); Disadvantaged Communities, including West Oakland

Senate Bill 535 (De León, Chapter 830, 2012)[13] recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). CARB-14

In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen).[14]

The Project is located near a census tract in the West Oakland Community having a CalEnviroScreen 4.0 overall score of 93%. The West Oakland Community is located in census tracts within a maximum score in the top 10%, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in this community routinely exceed state and federal air quality standards. To this end, the Port must ensure the implementation of all feasible mitigation, including utilization of

[13] Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding §39711, §39713, §39715, §39721and §39723.
[14] "CalEnviroScreen 4.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, *https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40*

zero-emission technologies, to limit the Project's air quality and public health impact on disadvantaged communities.[15]

Senate Bill 1000 (Leyva, 2016); West Oakland's Environmental Justice Element for Land Use Planning

Senate Bill (SB) 1000 (Leyva, Chapter 587, Statutes of 2016)[16] affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities, like the West Oakland Community. SB 1000 amended California's Planning and Zoning Law to require local governments with identified disadvantaged communities to incorporate an environmental justice element into their general plans to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements include policies to reduce the community's exposure to air pollution through air quality improvement.

Oakland adopted its first Environmental Justice Element in September 2023.[17] The element "serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland" and it identifies the communities within and surrounding the Port as being "disproportionately impacted by inequitable and unjust environmental harms". This element is built upon the City of Oakland Municipal Code Section 2.29.170 and other City policies that aim for fair and just policies to achieve equity while recognizing the severe impacts of racism on public health. The goal of general plan element EJ-1 is to "reduce pollution, mitigate the impacts of pollution on existing sensitive land uses, and eliminate associated public health disparities." More specifically, in EJ-1-10, the goal is to reduce emissions from Port operations. However, without the Port evaluating the Project's potential air quality impacts associated with the increased throughput to the Port, facilitated by the increase in larger vessels calling at the Port, the DEIR is not consistent with the goals established in EJ-1-10.

CARB-14

Assembly Bill 617 (Garcia, 2017); CARB Community Air Protection in West Oakland

The State of California has emphasized protecting local communities from the harmful effects of cumulative air pollution through the passage of Assembly Bill (AB) 617

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[15] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB, 2022 Scoping Plan for Achieving Carbon Neutrality, November 16, 2022. Accessible at *https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf*

[16] Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code §65302.

[17] Oakland 2045 General Plan – Environmental Justice Element Accessed at *https://www.oaklandca.gov/topics/oakland-2045-general-plan-environmental-justice-element*

(Garcia, Chapter 136, Statutes of 2017).[18] To translate AB 617 into action, CARB established the Community Air Protection Program (Program). The Program is administered by CARB's Office of Community Air Protection (OCAP) and implemented by CARB and air districts. The Program is guided by the Blueprint which is based on statute and informed by input from environmental justice leaders, the public, businesses, and industry in addition to state and local agencies and tribes.[19] The Program works with communities affected by a high cumulative exposure burden to develop actions to reduce air pollution exposure and emissions of toxic air contaminants and criteria air pollutants.

As part of its role in implementing AB 617, CARB must annually consider the selection of communities for the development and implementation of community air monitoring plans and/or community emission reduction programs. The West Oakland Community was selected to develop a Community Emissions Reduction Plan (CERP) due to its high cumulative exposure burden, the presence of a significant number of sensitive populations (children, elderly, and individuals with pre-existing conditions), and the socioeconomic challenges experienced by its residents.[20] CARB approved the CERP, called the West Oakland Community Action Plan (WOCAP), in December 2019, which included 89 strategies to achieve emission and exposure reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources.[21] Given the concerns outlined in this letter (which require further analysis by the Port), the Project could negatively impact the work that the community has done towards fulfilling their CERP.

CARB-14

OCAP supports the West Oakland Community, which has expressed significant opposition to the Project. CARB is concerned the Project would result in an increase in operations at the Port that would elevate the exposure of diesel PM emissions and add to the cumulative exposure burden already faced by West Oakland Community.

Conclusion

Although CARB applauds the Port for proposing the use of zero-emission infrastructure to support electric dredgers during the construction of the Project, CARB remains concerned that the Project would result in an increase in larger vessels calling at the Port, resulting in

CARB-15

[18] Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending §40920.6, §42400, and §42402, and adding §39607.1, §40920.8, §42411, §42705.5, and §44391.2.
[19] CARB, 2023. Community Air Protection Blueprint 2.0. Available from the Community Air Protection Program website: *https://ww2.arb.ca.gov/blueprint-20*. Accessed December 6, 2023 at *https://ww2.arb.ca.gov/sites/default/files/2023-09/BP2.0_Final_Draft_9.24.2023_FD.pdf*
[20] CARB, West Oakland. Accessed December 7, 2023 at *https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communities/west-oakland*
[21] West Oakland Community Action Plan. Accessed December 6, 2023 at *https://www.baaqmd.gov/community-health/community-health-protection-program/west-oakland-community-action-plan*

increased TEU throughput. The increase in TEU throughput at the Port may result in increased landside operations or the construction of new landside facilities, leading to increased onsite equipment operations and heavy-duty truck and train traffic serving the Port. This increase in Port operations would result in the residents of the West Oakland Community, a disadvantaged community, being exposed to higher diesel PM emissions and their associated cancer risks, and increasing other negative health effects, as well as contributing to nonattainment of federal air quality requirements and to climate change impacts. CARB-15

The Port should fully evaluate the potential air quality impacts resulting from the Project's contribution to increased landside operations and should include additional mitigation measures to reduce those impacts by requiring the use of zero-emission off-road equipment and heavy-duty trucks and the cleanest available locomotives at the Port. The Port should also evaluate the Project's impacts on the Port's landside operations using an existing-conditions baseline or provide adequate evidence demonstrating that an existing-conditions baseline would be misleading. Lastly, CARB urges the Port to include a measure in MM AIR-1 that requires all heavy-duty trucks transporting dredged sediment from the Project site to be zero-emission and to require tugs equipped with Tier 4 engines during Project operations.

CARB appreciates the opportunity to comment on the DEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. CARB-16

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov*. CARB-17

Sincerely,

Matthew O'Donnell, Branch Chief, Risk Reduction Branch

cc: See next page

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 18, 2023

Ms. Khamley Chuop
Port of Oakland
Environmental Programs and Planning Division
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TurningBasins@portoakland.com

Oakland Harbor Turning Basins Widening (Project) Draft Environmental Impact Report (DEIR) SCH# 2022050647

Dear Ms. Chuop:

The California Department of Fish and Wildlife (Department) received a DEIR from the Port of Oakland (Port) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

CDFW-1

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

waters of California, and ensuring fisheries are sustainably managed under the Marline Life Management Act.

The Department is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, Section 21069; CEQA Guidelines, Section 15381.) The Department may need to exercise regulatory authority as provided by the Fish and Game Code. To the extent implementation of the Project as proposed may result in take as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, Section 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project. CDFW-1

PROJECT DESCRIPTION SUMMARY

Proponent: Port of Oakland

Objective: The objective of the Project is to widen the turning basins within the Inner and Outer Oakland Harbor. The Inner Habor would be widened from 1500 feet to 1834 feet and would require the removal of portions of the existing shoreline in Oakland and Alameda. The Outer Harbor would be widened from 1650 feet to 1965 feet. Widening would be accomplished via dredging and shoreline excavation. The newly formed shoreline would be protected by installing a new retaining wall, bulkhead, and placement of riprap which would include pile driving.

Location: Along the eastern shoreline of San Francisco Bay in Oakland Inner and Outer Harbors within the Cities of Oakland and Alameda, Alameda County. CDFW-2

Timeframe: The Project is proposed to start in July 2027 and be completed in November 2029.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

STATE AND FEDERALLY LISTED AND COMMERCIALLY/RECREATIONALLY IMPORTANT SPECIES CDFW-3

Protected species under the State and Federal Endangered Species Acts that could potentially be present near Project activities include:

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Sacramento River Spring-run), state and federally endangered (Sacramento River Winter-run),
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley evolutionary significant units),
- Green sturgeon (*Acipenser medirostris)*, federal threatened (Southern Distinct Population Segment),
- White sturgeon (*A. transmontanus)*, state species of special concern,
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened,
- California least tern (*Sternula antillarum browni*), federal and state endangered, and state fully protected.

CDFW-3

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include:

- Dungeness crab (*Cancer magister*),
- Pacific herring (*Clupea pallasii*),
- Rockfish (*Sebastes* spp.),
- California halibut (*Paralichthys californicus*)
- Surfperches (*Embiotocidae*),
- Eelgrass (*Zostera marina*).

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the Port in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Marine Project Level Impacts and Other Considerations

Hydroacoustic Impacts

CDFW-4

Comment: The DEIR describes the construction of the new bulkheads as needing both steel sheet piles and steel batter piles, approximately 24" in diameter. Installation of the piles would include both vibratory and impact hammers. A total number of piles is not provided in the DEIR and the Department understands that at this point in the Project design exact numbers are not available. However, it is estimated that at least 10% of the piles will be installed in the water. Given the extent of the new bulkhead, the Department anticipates that 10% of the total piles would still equate to a substantial number of piles driven in the water. Additionally, both pile types, when using an impact hammer, can produce underwater sound levels that

can cause injury and mortality to fish as specified in the Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities (Attachment 1).

Recommendation: The Department recommends that the Port consult with the Department on obtaining a 2081(b) incidental take permit (ITP) for the potential take of state listed species during in-water pile driving activities for the construction of the new bulkhead and retaining walls.

CDFW-4

Recommendation: The Department recommends that the Port continue close coordination with the Department as details regarding the exact method of construction and total number of piles are available for the new bulkhead. The Department will need this level of detail in order to issue an ITP prior to the start of construction. The Department recommends that the FEIR include, at a minimum, a range of potential in-water piles to be installed for the project.

Eelgrass

Comment: California Public Resources Code (PRC Section 35630) outlines the importance of eelgrass protection and restoration in California and other West Coast states. Eelgrass has numerous benefits, as outlined within PRC 35630, such as habitat for listed and commercially valuable species, water quality, carbon sequestration, and shoreline protection.

There is documented eelgrass habitat within and near both the Oakland Inner and Outer harbors. The DEIR includes two mitigation measures to minimize potential impacts to eelgrass. MM BIO-1A describes the use of silt curtains to contain areas where elevated chemical contaminants have been identified. MM BIO-2 states that eelgrass surveys will be conducted prior to the start of, and following the completion of, any in-water construction following the recommendation and guidelines specified within the California Eelgrass Mitigation Policy.

CDFW-5

Additionally, if mitigation is necessary to offset impacts to eelgrass, the Department would need to authorize the harvest and transplanting of eelgrass within state waters through a Scientific Collection Permit (Fish and Game Code Sections 1002, 1002.5 and 1003).

Recommendation: Given the importance of eelgrass, the Department recommends that MM BIO-1A include the use of silt curtains if eelgrass habitat is identified within 45 meters of dredging activities, regardless of the presence of chemical contaminants.

Recommendation: The Department recommends that MM BIO-2 include language that the pre-construction survey be both National Marine Fisheries Service and

Department approved. The Department will need to review the pre-construction survey as part of the Department's approval of the Project.

Recommendation: The Department recommends the final EIR include language to describe the Department's permitting role, via a Scientific Collection Permit, in the event eelgrass mitigation is necessary.

CDFW-5

California Least Tern

Comment: The California Least Tern is listed as an endangered species under CESA and a state fully protected species (Fish and Game Code Section 3511). The DEIR failed to recognize the CESA listing in Table 3.401 and on page 3.4-9.

Recommendation: The Department recommends that Table 3.401 and text on page 3.4-9 include the species CESA listing in the final EIR.

CDFW-6

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/SubmittingData#44524420-pdf-field-survey-form. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CDFW-7

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

CDFW-8

CONCLUSION

The Department appreciates the opportunity to comment on DEIR to assist the Port in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or R7CEQA@wildlife.ca.gov.

Sincerely,

Craig Shuman, D. Env
Marine Regional Manager

Enclosures
Attachment 1: Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities

ec: Becky Ota, Environmental Program Manager
Department of Fish and Wildlife

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife

Arn Aarreberg, Environmental Scientist
Department of Fish and Wildlife

Marcia Grefsrud, Environmental Scientist
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San Francisco Bay Conservation and Development Commission

Habitat Conservation Program Branch CEQA Program Coordinator
California Department of Fish and Wildlife

State Clearinghouse (SCH No. 2022050647)

NOAA's Fisheries Northwest and Southwest Regions	U.S. Fish and Wildlife Service Regions 1 & 8	California/Washington/ Oregon Departments of Transportation	California Department of Fish and Game	U.S. Federal Highway Administration

MEMORANDUM

June 12, 2008

From: Fisheries Hydroacoustic Working Group

Subject: Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities

To: Applicable Agency Staff

The signatory agencies, identified below, have agreed in principle to use the attached Interim Criteria for Injury to Fish from Pile Driving Activities. The agreement was concluded at a meeting in Vancouver, Washington on June 10-11, 2008 with key technical and policy staff from the Federal Highway Administration, NOAA Fisheries, U.S. Fish and Wildlife Service, the Departments of Transportation from California, Oregon, and Washington; and national experts on sound propagation activities that affect fish and wildlife species of concern. The agreed upon criteria identify sound pressure levels of 206 dB peak and 187 dB accumulated sound exposure level(SEL) for all listed fish except those that are less than 2 grams. In that case, the criteria for the accumulated SEL will be 183 dB.

These criteria will apply to all new projects beginning no later than 60 days from the date of this memorandum. During the interim 60 day period, the Transportation Agencies will work with the Services to identify projects currently in the consultation process and reach agreement on which criteria will be used to assess project effects.

CDFW-9

The agencies agree to review the science periodically and revise the threshold and cumulative levels as needed to reflect current information. Behavioral impacts to fish and impacts to marine mammals are not addressed in this agreement. Sub-injurious effects will continue to be discussed in future meetings.

The respective agencies also agree to develop appropriate training for staff on these revised criteria, as well as a process to review and possibly refine the criteria, when appropriate.

For questions or concerns about the revised criteria, we recommend staff contact their agency environmental coordinator or agency expert on pile driving issues.

Carol G. Adkins

Federal Highway Administration*

*FHWA supports the use of these interim criteria in the states signing this agreement in principle. FHWA leaves the schedule for implementation to the discretion of the state DOTs in cooperation with their respective FHWA Division Offices and the Services.

Michael Tehan

NOAA Fisheries – NWR

Russell M Strach

NOAA Fisheries – SWR

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US Fish and Wildlife Service Region 1

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December 18, 2023

Khamly Chuop
Associate Planner and Scientist
Environmental Programs and Planning Division
Port of Oakland
530 Water Street
Oakland, CA 94607
Turningbasins@portoakland.com

RE: Oakland Harbor Turning Basins Widening Project: Draft Environmental Impact Report (CEQA State Clearinghouse No. 2022050647)

Dear Ms. Chuop:

The California Attorney General's Office (AGO) has reviewed the Port of Oakland's (Port) Draft Environmental Impact Report (DEIR) for the Oakland Harbor Turning Basins Widening Project (Project). The Project proposes to increase the width of the maritime vessel turning basins in the Port's Outer and Inner Harbors to accommodate the larger container vessels now calling at the Port more frequently. According to the DEIR, the existing turning basins were not designed to accommodate these larger vessels, resulting in inefficiencies when larger vessels enter, exit, and navigate around the Port. By widening and deepening the turning basins, the DEIR explains, the Project will allow larger container vessels to maneuver more efficiently within the Oakland Harbor. We respectfully submit these comments to request clarification and additional information regarding certain aspects of the DEIR, and we encourage the Port to adopt additional mitigation measures to protect the neighboring West Oakland community if the Project is approved.[1] AGO-1

I. BACKGROUND

Although the Port is the lead agency for the Project under the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (Army Corps) is the lead federal agency AGO-2

[1] The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical* Examiners (1974) 11 Cal.3d 1, 14-15.) Our comments are not

for the Project and will be constructing the Project if it is approved. The Army Corps prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for the Project under the National Environmental Policy Act (NEPA) in early 2022. The AGO submitted comments on the Army Corps' NEPA documents on May 9, 2022, expressing concerns with the EA's environmental analyses and the Project's apparent inconsistency with the local emissions reduction plan. The AGO's letter also recommended that the Army Corps consider mitigation to reduce the Project's impacts on neighboring communities, which already experience disproportionate levels of pollution and associated adverse health effects. We incorporated our NEPA comments in our July 5, 2022 CEQA comment letter regarding the Port's Notice of Preparation for the DEIR, and recommended further mitigation measures in that letter.

AGO-2

We appreciate the Port's decision to develop a full Environmental Impact Report (EIR) for this Project. We are concerned that the Army Corps' EA/FONSI did not adequately discuss the Project's public health and environmental impacts, and thank the Port for conducting a more thorough analysis in the form of an EIR. However, the DEIR provokes additional questions—it does not describe the Port's larger plans for its future operations with sufficient clarity to address concerns about increasing container throughput at the Port and the associated ship, truck, and rail activities. We request that all of the Port's landside infrastructure projects, and the Project's relationship to these projects, be described and analyzed more fully in a revised EIR. We also reiterate our recommendations for further mitigation measures to protect the Port's neighboring communities from the anticipated growth in Port throughput and activities. We address these concerns in more detail in the following sections.

AGO-3

II. PORT IMPROVEMENT PROJECTS AND THE CUMULATIVE IMPACTS ANALYSIS

The DEIR repeatedly emphasizes that the Project alone will not increase container throughput at the Port, and that projected cargo volumes are expected to increase whether or not the Project is implemented. For example, the DEIR makes the following assertions in various places throughout the document:

> "The Proposed Project is not a development project that removes a barrier to growth, shifts cargo from one port to another, or increases the Port's container handling capabilities. It is assumed that the economic variables that directly influence economic growth and subsequent demand for Port services remain constant under the Proposed Project and future conditions without the Proposed Project (The Tioga Group and Hackett Associates 2020); therefore, the Port's total projected volume serviced would remain the same with and without widening of the turning basins….
>
> …[W]idening the turning basins to accommodate longer vessels does not change the Port's container handling capacity (i.e., the number of containers that can move through the Seaport). Widening the turning basins would not change the

AGO-4

intended to object to the Project as a whole, but rather to encourage a detailed and legally compliant analysis of the Project's potential impacts and adoption of all feasible and legally enforceable mitigation measures to prevent further harm to the neighboring communities surrounding the Project site.

> number of vessels able to berth, nor would it change the constraints of the yard. *The Proposed Project does not include landside improvements to increase the Port's cargo (or container) handling capacity*; and as a result, the Port's capacity remains constant with this Proposed Project….
>
> Although the Proposed Project would increase efficiencies in waterside operations, *it does not expand or create new landside cargo-handling facilities at the Port* and would not increase cargo throughput…."

(See, for example, DEIR at p. 2-22) (emphasis added.)

AGO-4

The DEIR's assertions that the Project alone will not result in increased container throughput at the Port are based on reassurances that the Project itself does not contain landside infrastructure improvements that would facilitate an increase in container throughput. Rather, the Project is intended to merely to increase the maneuvering efficiency of the larger vessels now calling at the Port, and will itself have no effect on the increased container throughout that will be coming through the Port in any event. (DEIR at pp. 6-5 ["The *2019-2050 Bay Area Seaport Forecast* prepared for the San Francisco Bay Conservation and Development Commission (BCDC) indicates that the annual TEU serviced at the Port will increase from approximately 2.5 million TEU in 2020 to over 5 million TEU by 2050, under a moderate growth scenario. This forecast is based on international TEU forecasts of imports and exports and is independent of the Proposed Project…"].)

AGO-5

Nevertheless, the DEIR concludes that some of the Project's construction impacts, when considered alongside the construction and operation of other past, present, and reasonably foreseeable projects, are cumulatively significant and unavoidable. The DEIR concludes that the Project's cumulative construction impacts would expose sensitive populations to substantial pollutant concentrations. (DEIR at p. ES-9.) Per the CEQA Guidelines, the Port developed a list of project types that would cause similar cumulative impacts to those caused by construction of the Project. (See Cal. Code Regs, tit. 14, § 15130, subd. (b)(1)(A) (requiring "[a] list of past, present, and probable future projects producing related or cumulative impacts".) In Table 4.2-1 of the DEIR, 17 projects were identified by the DEIR as causing cumulative impacts alongside impacts caused by the Project's construction. (DEIR, pp. 4-3 to 4-6, Table 4.2-1.)

However, it is unclear whether the list of past, present, and reasonably foreseeable projects contained in Table 4.2-1 includes all of the landside improvement projects planned for the Port that could create significant environmental impacts when implemented alongside construction of the Project. Moreover, the existence of additional planned landside improvements casts doubt on the Port's claims that container throughput is limited by landside infrastructural constraints and that the Port's container capacity "remains constant with the Proposed Project." (DEIR at p. 6-5.) In several instances, the DEIR refers to landside, harbor, and wharf improvements that seem to describe the precise improvements needed in order to increase

container throughput capacity at the Port, but these improvements are not included in the list of foreseeable projects at Table 4.2-1 of the DEIR. AGO-5

The following is a list of references in the DEIR and Draft Integrated Feasibility Report and Environmental Assessment (Draft IFR/EA) released by the Army Corps in December 2021 to landside and operational improvements that are not included in Table 4.2-1 for the cumulative impacts analysis:

- "The difference between the Proposed Project and No Project future information is the physical changes to the size of the turning basins. With or without the Proposed Project, the Port will experience a 2.1 percent growth in cargo annually. *This also includes planned harbor improvements, terminal upgrades, and wharf improvements that would be anticipated to occur under both the Proposed Project and No Project future scenarios*." (DEIR at p. 3.3-46.)

- "The difference between the Proposed Project and No Project future information is the physical changes to the size of the turning basins. HarborSym does include several assumptions regarding projected cargo throughput and efficiency improvements that are anticipated to occur regardless of implementation of the Proposed Project and were the same for both the Proposed Project and No Project future scenarios. With or without the Proposed Project, the Port anticipates a 2.1 percent growth in cargo annually. *It also includes planned harbor improvements that would be anticipated to occur under both the Proposed Project and No Project future scenarios*." (DEIR at pp. 3-4, 3.3-39, 3.6-13, 3.6-17, 3.8-15, 3.8-18.) AGO-6

- "Although the overall size of the terminal is a constraint, *container terminal operations have transitioned, and continue to transition, to a more densified operation* which includes such methods as placing containers on the ground and in sorted piles…. *This operational shift has also introduced appointment systems to manage container pickup and delivery by trucks.* These appointment systems are maintained and managed by the individual terminal operators to moderate transactions (e.g., hourly truck arrivals to a terminal) in accordance with available equipment and staffing." (DEIR at pp. 2-17 to 2-18; see similar in Draft IFR/EA at p. 10.)

- "The cranes available to load and unload containers from a vessel, known as ship-to-shore gantry cranes, are electrified, and the total number of operational cranes at the Port has not changed since 2011. *However, in response to larger vessels, modifications and replacements have occurred in recent years to increase crane height and outreach.* [Footnote: "In 2018, *the Port raised two cranes* at the Oakland International Container Terminal to accommodate larger vessels calling the Port. In 2021 a total of four large cranes capable of serving PPX4 class vessels were constructed…."] (DEIR at p. 2-18.)

- "The Port, in partnership with the Alameda County Transportation Commission, *is installing a series of information technology (IT) improvements called the Freight Intelligence Transportation System (FITS) within the Seaport as part of a larger suite of*

programs collectively referred to as the "GoPort Program" to add transparency and efficiencies for Seaport traffic management…. FITS will use radio frequency identification device technology, smart cameras, automated traffic signal systems, changeable message signs, and various other IT improvements to optimize traffic, improve real-time communication flow, and provide increased security." (DEIR at p. 2-19; see also Draft IFR/EA at p. 11.)

AGO-6

Furthermore, the Revised Draft IFR/EA (Revised IFR/EA) released by the Army Corps in April 2023[2] also contains references to landside improvement projects that are not included in the DEIR's list of past, present, and reasonably foreseeable projects in Table 4.2-1:

- "The TraPac Terminal is a container terminal at the north end of the Outer Harbor, adjacent to the Outer Harbor Turning Basin, and is operated by TraPac…. There are typically six container vessel calls to this terminal per week, which keeps the terminal at or near its throughput capacity. *Refer to Section 2.2 Terminal Facilities on future improvements to TraPac to accommodate ultra-large containerships*…." (Revised IFR/EA at p. 14.)
    - Section 2.2—Terminal Facilities:
        - "Despite its recent partial rehabilitation and expansion to 123 acres, the TraPac terminal, located next to the vacant 150-acre Outer Harbor Terminal (former Ports America) site has space to expand. Recent discussions regarding such an expansion support the assumption in this analysis that *TraPac will expand at least an additional 50 acres in the without-project condition*." (Revised IFR/EA at p. 24.)
        - "The Port has three parcels of land contiguous with marine terminals available for terminal expansion, including:
            - Berths 33 and 34. The *unused area at Berths 33 and 34, between the Ben E. Nutter and TraPac terminals, totals 23 acres*….
            - Roundhouse Site. The adjacent *Roundhouse site of 39 acres could be used to extend Matson's terminal to a total of 95 acres*….
            - Berths 20 and 21 and 22 to 24. The Berth 22 to 24 Outer Harbor Terminal (OHT) site covers 150 acres, and this analysis treats it as potential *future TraPac expansion*…. The Port intends to use the Berth 20-21 land for dry bulk over the next 15 years, with potential reversion to container use thereafter. In the FWOP condition, all four of these berths are assumed to be added to TraPac for future operations…." (Revised IFR/EA at p. 24.)
        - "The Port also has about 126 acres of undeveloped off-dock space, part of the former Oakland Army Base. All existing planning documents

AGO-7

[2] U.S. Army Corps of Engineers, San Francisco District, Oakland Harbor Turning Basins Widening Revised Draft Integrated Feasibility Report and Environmental Assessment, Apr. 26, 2023, <https://www.spn.usace.army.mil/Portals/68/docs/P%20and%20Programs/Oakland%20Harbor%20Turning%20Basin/2023%20Re-Release%20Documents/1_Oakland%20Draft%20draft_for%20rerelease.pdf?ver=7DpgRLlPRTXncgzhft5EeA%3d%3d> (as of Nov. 20, 2023).

anticipate this land being used for *ancillary support uses, rail infrastructure, or commercial development like the CenterPoint and CoolPort projects*….” (Revised IFR/EA at p. 25.)

- “The Oakland International Container Terminal is a container terminal located north of the Inner Harbor Channel near downtown Oakland. Stevedoring Services of America Terminals operates it…. *Oakland International Container Terminal has recently raised and replaced its existing cranes to accommodate larger containerships*.” (Revised IFR/EA at p. 14.)

- “The majority of Port of Oakland’s container traffic is handled at Oakland International Container Terminal. Annual throughput capacity at active terminals is over 2 million TEUs and *expected to increase with the completion of landside infrastructure improvement and expansion projects at all terminals*.” (Revised IFR/EA at p. 17.)

AGO-7

Finally, two slides from the Port’s presentation at the Fall 2023 public workshops for the Project DEIR list various landside projects currently underway at the Port, or for which grant applications have been submitted. As with the DEIR, Draft IFR/EA, and Revised IFR/EA references above, it is not clear whether these projects were included as past, present, and reasonably foreseeable projects in Table 4.2-1 of the DEIR:

- 2022 MARAD Port Infrastructure Development Program (PIDP): Outer Harbor Terminal Redevelopment and Green Infrastructure Improvements; backland improvements (grant awarded).

- California State Transportation Agency (CalSTA) FY 2023 Port & Freight Infrastructure Program (PFIP): Rebuild portion of the Outer Harbor Terminal container yard that will expand the Port’s electrical grid capacity and replace diesel powered [cargo-handling equipment] at Matson with [zero-emission cargo-handling equipment] and infrastructure; roadway improvements (grant awarded).

- 2023 AmNav Advanced Technology Demonstration and Pilot Program (ATDPP): 2023 BAAQMD Infrastructure Grant (grant submitted).

- Roundhouse: track parking and charging projects (project underway).

AGO-8

As noted, it is unclear whether the list of reasonably foreseeable projects contained in Table 4.2-1 includes all of the improvement projects referenced above. These planned improvements undermine the Port’s claim that its container capacity “remains constant with the Proposed Project.” (DEIR at pp. 6-5.) Plainly, there are projects underway or contemplated at the Port that could result in increased container throughput capacity. Although the DEIR concludes that the Project itself does not include these improvements, the Project would arguably *facilitate* the increased container throughput resulting from these projects by allowing larger container

AGO-9

ships to utilize the Port's turning basins more efficiently than at present. To clarify these issues, we recommend that the DEIR be revised in several ways: AGO-9

First, we request that the DEIR describe all of the landside and operational improvement projects referenced in the DEIR and the Draft and Revised IFR/EA, and how these projects are accounted for—or not—in Table 4.2-1 of the DEIR and in the DEIR's cumulative impacts analysis.

CEQA requires that the "cumulatively considerable" effects of a project be analyzed, i.e., whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (*Envtl. Protection Info. Ctr. v. Cal. Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 523 [citing Pub. Resources Code, § 21083, subd. (b)(2)].) However, the DEIR's cumulative impacts analysis does not analyze whether the Project's effects are cumulatively considerable when evaluated in connection with the above-referenced infrastructure projects. Indeed, these projects are not even identified in in the cumulative impacts section. AGO-10

The DEIR should be revised to: (1) fully identify and describe the above-referenced projects; (2) include these projects in the DEIR's cumulative impacts analysis section if they are reasonably likely to occur; and (3) analyze whether the effects of the turning basins Project, in conjunction with the effects from these projects, would cause cumulatively considerable environmental impacts, particularly for the neighboring West Oakland community.

Second, the DEIR should explain the basis for the Port's claim that its container capacity would "remain constant" even without construction of the turning basins Project—the above-referenced infrastructure projects would presumably facilitate an increase in container capacity, rather than result in container capacity remaining "constant." This discrepancy needs to be resolved in the final EIR. AGO-11

Third, we recommend that the Final EIR explain why the Port's decision to analyze the Project separately from the landside projects does not amount to unauthorized "piecemealing" of environmental review under CEQA.

To avoid improper piecemealing or segmentation, EIRs must include "analysis of the environmental effects of a future expansion or action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222 [citing *Laurel Heights Improvement Assn. v. Regents of the Univ. of California* (1988) 47 Cal.3d 376, 396].) Piecemealing can occur when an initial project is intended to the "first step toward future development," or when an initial project "legally compels or practically presumes completion of another action." (*Id.* at p. 1223 [citations].) On the other hand, projects are appropriately segmented when they involve "different proponents, serve different purposes, or can be implemented independently." (*Ibid.*) The DEIR's vague references to past, pending, and forthcoming landside infrastructure projects does not provide sufficient information to determine AGO-12

whether the turning basins Project is a "first step toward future development" of a Port with greater container throughput capacity, and is thus improperly segmented from those projects, or if it is instead a project serving a different purpose that can be independently implemented. A revised DEIR should include more information about the above-referenced improvement projects, and their relationships to the turning basins Project, in order to clarify this uncertainty. AGO-12

III. ADDITIONAL RECOMMENDED MITIGATION MEASURES

In our July 2022 comment letter on the Notice of Preparation for the DEIR, we recommended a suite of mitigation measures for inclusion in the Project. Some of these measures have been incorporated into the Project's construction in various forms. We appreciate that the Port will construct electrical infrastructure at Berths 26 and 68 to support electrical dredging equipment for construction of the Project. (DEIR at p. ES-3.) We also recognize that the Port will deploy a suite of construction air quality measures, including requiring Tier-4 off-road construction equipment or better; two-minute idling prohibitions; watering of exposed surfaces, soil piles, and unpaved areas twice daily; covering and washing haul trucks; deploying wet power vacuum street sweepers; and installing vegetative barriers and wind breaks, among other measures. (DEIR at pp. ES-6 to ES-7.) Finally, we acknowledge the Port's requirements for the use of zero-emission and hybrid-powered equipment whenever such equipment is available from at least two regional commercial rental facilities, and requirements for pile-driving noise control, construction sound barriers, and traffic control plans. (DEIR at pp. ES-19 to ES-20; ES-24 to ES-25; ES-26 to ES-27.) AGO-13

However, we are concerned that the Port's narrow focus on time-limited construction mitigation measures ignores larger realities in the vicinity of the Project. As the DEIR notes, the West Oakland Community Action Plan (WOCAP) was developed for the neighboring West Oakland community per Assembly Bill 617 (Health & Saf. Code, § 44391), and included health risk and cancer risk exposure analyses.[3] (DEIR at pp. 3.3-30 - 3.3-31.) The WOCAP also established emission reduction targets for diesel particulate matter (DPM), fine particulate matter ($PM_{2.5}$), and cancer risk. (*Ibid.*) Per the WOCAP, in 2017, the Port was the contributor of 57 percent of the community's DPM exposure, 52 percent of the community's cancer risk exposure, and 17 percent of its $PM_{2.5}$ exposure. (WOCAP, p. 5-9, Fig. 5-4.) Although the Port identified several Project measures that align with some of the WOCAP's 89 emissions reductions strategies, the DEIR correctly concedes that, "as the WOCAP is currently understood, any contribution [of DPM, $PM_{2.5}$, or cancer risk] would be inconsistent with the WOCAP's goals." (DEIR, p. 3.3-42.) These environmental conditions, and the Port's role in contributing to them, require the Port to commit to more than just time-limited mitigation measures for this Project. AGO-14

The Port should also adopt mitigation measures that will protect the community from the annual projected growth of 2.1 percent and the larger container ships the DEIR anticipates for the

[3] Bay Area Air Quality Management District and West Oakland Environmental Indicators Project, *Owning Our Air—The West Oakland Community Action Plan, Volume 1*, Oct. 2019, <https://www.baaqmd.gov/community-health/community-health-protection-program/west-oakland-community-action-plan>; see also West Oakland Environmental Indicators Project, WOCAP Strategies, <https://woeip.org/featured-work/owning-our-air/wocap-strategies/> (both as of Nov. 20, 2023).

near future. (DEIR at p. 3.3-39.) To that end, we provide a list of recommendations below for additional actions the Port can incorporate into the turning basins Project—and preferably Port-wide—to demonstrate that it is preparing for future growth and addressing the accompanying environmental and public health impacts: AGO-14

A. Portal for Updates on Air Quality Projects

The Port's DEIR cites to various programs, plans, and regulations that would incorporate additional air quality measures and actions into its operations, particularly the Seaport Air Quality 2020 and Beyond Plan (Seaport 2020 Plan). (DEIR at pp. 3.3-34 - 3.3-35.) Indeed, it is also the Port's legal responsibility to reduce emissions per a 2019 civil rights enforcement settlement with the U.S. EPA—that "Informal Resolution Agreement" requires the Port to implement a suite of air quality mitigation measures from the Oakland Army Base Redevelopment Plan (OAB Plan), the Maritime Air Quality Improvement Plan (MAQIP), and the Seaport 2020 Plan.[4]

The DEIR helpfully summarizes some of the Port's progress on implementing these measures, including citing to a December 2022 Seaport 2020 Plan Annual Progress Report.[5] (DEIR at pp. 3.3-34 - 3.3-35.) However, stakeholders frequently express frustration that progress on the Port's air quality and electrification activities is challenging to monitor, and that information about the Port's projects is difficult to locate. The community should not be required to search through an EIR or locate old staff reports, for example, in order to track progress on implementation of the Seaport 2020 Plan or the Port's other air quality efforts. AGO-15

Moreover, the Port's main environmental program website contains a confusing mix of links and documents, without a streamlined way to track projects and their progress.[6] We recommend that the Port develop a centralized public portal on its webpage where the public can access up-to-date information about the implementation status of all of the Port's various air quality and electrification projects. The DEIR should be similarly revised to provide a table indicating the implementation status of the Port's air quality and electrification commitments, including, but not limited to, the status of the projects identified in the OAB Plan, the MAQIP, and the Seaport 2020 Plan.

B. Electric Maintenance Dredging

The DEIR discloses that the turning basins Project will require up to 93,000 additional cubic yards' of dredging every year. (DEIR at p. 3.3-40.) This dredging will be performed using AGO-16

[4] U.S. EPA and Bd. of Port Comm'rs. of the City of Oakland, Informal Resolution Agreement: Complaint Nos. 13R-17-R9 and 14R-17-R9, July 26, 2019, pp. 4-9, <https://www.epa.gov/ogc/resolution-letter-and-informal-resolution-agreement-administrative-complaint-nos-13r-17-r9-and> (as of Nov. 21, 2023).
[5] Port of Oakland, Information Report: Seaport Air Quality 2020 & Beyond Plan—Year 3 Annual Progress Report, Dec. 1, 2022, <https://portofoakland.legistar.com/View.ashx?M=F&ID=11467392&GUID=437B7C98-88D9-41E1-BA80-725DB6D83C18> (as of Nov. 21, 2023).
[6] See for example, Port of Oakland, Environment, <https://www.portofoakland.com/community/environmental-stewardship/> (as of Nov. 21, 2023).

diesel equipment and offroad engines that will generate significant emissions.[7] Electrical maintenance dredging is not feasible per the DEIR "due to continued movement of the dredge and associated electrical cable during maintenance dredging throughout the active waterway, as opposed to the Proposed Project construction which would only occur outside of existing federal navigation channel." (*Ibid*.)

However, these assertions seem inconsistent with the Port's shore power progress at its facilities. First, the turning basins Project will install outlets for electrical power at Berths 26 and 68, which serve the Outer and Inner Harbors, respectively. Second, the DEIR explains that in 2012 and 2013, the Port installed two-to-four shore power outlets *per berth*, achieving a 93 percent plug-in rate for July 2023. (DEIR at pp. 2-10, 3.6-4.) This aligns with a 2023 "Shore Power Map" posted to the Port's website that shows shore power being installed in various phases at almost every berth at the Port, in both the Inner and Outer Harbors.[8] Finally, the California Air Resources Board's (CARB) At-Berth Regulations were updated in 2023 and now require a wider range of marine vessels, including container ships, to either use shore power (e.g., plug in to the local electrical grid), or another CARB-approved emissions control technology, to reduce their docking emissions by January 2027. (DEIR at p. 3.3-23.) Indeed, CARB's website indicates that the Port has submitted shore power plans for container vessels for the following terminal facilities: Ben Nutter (Berths 35-37), Berths 60-63, TraPac (Berths 25-26, 30, 32-33), and the Oakland International Container Terminal (Berths 55-59).[9] AGO-16

Given that shore power is currently available at multiple berths throughout the Port, it is unclear why electrical maintenance dredging cannot be performed. The availability of multiple plug-in options for electrical dredging cables should mollify the Port's concerns about whether continued movement of the dredge in the channels would affect electrical cables—presumably, the cables could be plugged and unplugged from berth outlets as necessary to keep the electrical dredger operating continuously and safely.[10] The DEIR does not address this option at all. The DEIR also does not address other emissions control devices for the maintenance dredging, such

[7] The DEIR anticipates the diesel maintenance dredging will produce average *daily* emissions of 1.12 pounds of reactive organic gases (ROGs), 6.27 pounds of nitrogen oxide (NOx), 3.67 pounds of PM_{10}, 1.83 pounds of $PM_{2.5}$, and 4.7 pounds of GHG emissions. (DEIR, App. B, p. 39, Table 21.)

[8] Port of Oakland, Shore Power, Shore Power Map, <https://www.portofoakland.com/files/PDF/maritime/ShorePower_Map.pdf> (as of Nov. 20, 2023).

[9] California Air Resources Board (CARB), Ocean-Going Vessels At-Berth Regulation, Terminal and Port Plan Submissions, <https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation/terminal-and-port-plan-submissions> (as of Nov. 20, 2023).

[10] Indeed, this was one of the explicit objectives of the Maritime Air Quality Improvement Program's (MAQIP) electrification projects. The final April 2009 MAQIP explained as follows: "All of the 37 cranes on the Port's marine terminals are electric…. In addition, *the Port installed shoreside connections to power electric dredges engaged in the Port's channel and berth deepening projects*." (Port of Oakland, Final Maritime Air Quality Improvement Program (MAQIP), Apr. 2009, p. 87, Table 9-4, <https://www.portofoakland.com/files/PDF/environment/maqip090515.pdf> (as of Nov. 22, 2023) (emphasis added).)

as barge-mounted or landside capture-and-control technologies.[11] Given that maintenance dredging is a regular activity that will recur indefinitely for the foreseeable future, the Port must produce a revised EIR that considers alternatives to diesel maintenance dredging and/or that incorporates additional mitigation measures to offset the associated emissions. AGO-16

C. Additional Electrification Measures: DEIR Clarifications and Revisions to the Port Environmental Ordinance

The DEIR includes several electrification measures, including the use of electric dredgers for construction of the turning basins, and requiring zero-emission and hybrid-powered equipment when available at two regional commercial rental facilities. (DEIR at pp. ES-6, ES-19.) However, we recommend that the Port pursue more expansive electrification measures to further mitigate impacts. AGO-17

First, the Project DEIR should specify that the zero-emission and hybrid-powered "equipment" required by the construction mitigation measures include all forms of equipment, including handheld equipment, cargo-handling equipment, and other forms of yard and construction equipment.

Second, as an additional mitigation measure, the Port should commit to strengthen its Environmental Ordinance to require more effective pollution controls and more aggressive electrification requirements, and also incorporate these requirements into the Project itself.[12] We acknowledge that the Ordinance was amended in March 2023 to require tenants to develop electrification plans for cargo-handling equipment.[13] We commend this positive first step, but more should be done. The cargo-handling equipment revisions merely require submission of an implementation plan for zero-emission and hybrid-powered equipment, and that Port tenants use their "best efforts" to use the least-polluting equipment available—zero-emission and hybrid-powered cargo-handling equipment are not actually required by any specific component of the Environmental Ordinance.[14] Moreover, the requirements pertain only to "cargo-handling equipment," which, while broadly defined, does not include all the other vehicles and equipment defined as "Equipment" by the Ordinance.[15] AGO-18

We recommend that the Port amend the Environmental Ordinance further to: (1) include "Equipment," not just "Cargo-handling Equipment," in the requirements listed at Section

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[11] For example, see CARB, LCTI Capture and Control System for Oil Tankers Project, <https://ww2.arb.ca.gov/lcti-capture-and-control-system-oil-tankers-project> (as of Nov. 20, 2023).

[12] Port of Oakland Admin. Code, tit. 9: Environmental Plans and Programs, ch. 9.01.010 et seq., <https://library.municode.com/ca/port_of_oakland/codes/administrative_code?nodeId=POOAADCO_TIT9ENPLPR> (as of Nov. 21, 2023) (hereafter, Envtl. Ordinance).

[13] Port of Oakland, Press Release: Port of Oakland Calls for Zero Emissions, Cargo-Handling Plans, Mar. 10, 2023, <https://www.portofoakland.com/press-releases/port-of-oakland-calls-for-zero-emissions-cargo-handling-plans/> (as of Nov. 21, 2023).

[14] Envtl. Ordinance, *supra* fn. 12, at § 9.01.130, subds. (D), (G).

[15] *Id.* at § 9.01.020. "Equipment" is defined as "ocean-going vessels, harbor craft, Cargo-handling Equipment, or drayage trucks." The "Cargo-handling Equipment" included in this definition refers to

9.01.130; (2) identify a deadline for actual incorporation of zero-emission and hybrid-powered equipment; and (3) incorporate the remaining construction air quality mitigation measures included in the Project DEIR as universal requirements for all projects, such as provisions for Tier-4 engines and renewable diesel fuel; idling restrictions; exposed surface watering protocols; and wind and noise barriers and enclosures.

Finally, the Environmental Ordinance and the Project's mitigation requirements should be revised to include the measures identified in our July 2022 comment letter. These measures were sourced from our office's document entitled, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act," which identifies several actions that may also be applicable to Port operations.[16] The measures were also sourced from CARB's "Concept Paper for Freight Handbook," which identifies multiple actions agencies can implement to reduce freight-related impacts to nearby communities.[17] Examples of measures that can be incorporated into the Environmental Ordinance include the following: prohibit diesel-powered equipment unless necessary in an emergency; require installation of air filters at sensitive receptors within a certain radius of facilities' operations; install and maintain air monitoring stations in and around the Port's properties to collect real-time emissions data; require facilities to install solar panels and require building roofs to accommodate solar panels; mandate Tier 2 green building and LEED standards; require installation of physical noise barriers before commencing project construction and operations; and limit operation and construction hours to daytime hours on weekdays, among other measures. Adopting all the aforementioned measures as universally applicable requirements would ensure that all activities and projects at the Port incorporate the most stringent air quality measures, and would provide reassurance to neighboring communities that the Port is taking far-reaching steps to safeguard their health and wellbeing. AGO-18

Thank you for the opportunity to comment on the Project's DEIR. The CEQA process and the DEIR for this Project provide an opportunity to fully evaluate and disclose the Project's potential impacts, and to adopt meaningful protective measures for the neighboring community if

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"any off-road, self-propelled vehicle or equipment used at a port or intermodal rail yard to lift or move container, bulk, or liquid cargo carried by ship, train, or another vehicle, or used to perform maintenance and repair activities…[and] includes, but is not limited to, rubber-tired gantry cranes, yard trucks, top handlers, side handlers, reach stackers, forklifts, loaders, aerial lifts, excavators, dozers, and non-exempt locomotives (both line haul and switcher)."

[16] State of California, Dept. of Justice, Warehouse Best Practices Document (Sept. 2022), <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf> (as of Nov. 21, 2023).

[17] CARB, Concept Paper for Freight Handbook, Dec. 12, 2019, <https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf> (as of Nov. 21, 2023).

the Project moves forward. We are available to support the Port as it produces a revised EIR for the Project that furthers both of these important goals.

Sincerely,

DAVIN WIDGEROW
OMONIGHO OIYEMHONLAN
Deputy Attorneys General

For ROB BONTA
Attorney General

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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 18, 2023

Khamly Chuop
Port Associate Environmental Planner / Scientist
Port of Oakland
530 Water Street
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RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT DATED OCTOBER 3, 2023
STATE CLEARINGHOUSE # 2022050647

Dear Khamly Chuop,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Oakland Harbor Turning Basins Widening project. The proposed project involves widening the turning basins at the Oakland Seaport (Seaport). The turning basin in the Seaport's inner harbor would be widened by 334 feet, from its current diameter of 1,500 feet to 1,834 feet and would require dredging and removal of landside property along the shoreline at the Seaport in the City of Oakland and along the shoreline in the City of Alameda. The turning basin in the Seaport's outer harbor would be widened by 315 feet, from its current diameter of 1,650 feet to 1,965 feet; widening the turning basin in the outer harbor would be conducted via dredging. DTSC-1

DTSC has identified that this project may affect multiple sites within the project boundaries therefore, based on our project review, we request the consideration of the

following comments:

1. The entire Alameda Site is subject to existing land use covenants (LUCs) and is under the regulatory jurisdiction of DTSC due to historical contamination. *Interim Covenant to Restrict Use of Property, Environmental Restriction (Re: Fleet and Industrial Supply Center – Alameda Annex)*, dated July 20, 2000. Details of this LUC consist of:

    a) Area 1: Area 1 is the portion of the Property so designated in Exhibit A and generally known as IR site 02. Area 1 shall not be used for residential purposes and construction activities shall not begin until DTSC determines that the soils having Polychlorinated biphenyls (PCB's) and cadmium concentrations have been properly remediated and DTSC has recorded a release terminated these Interim Restrictions (IR) for Area 1 in accordance with Article VI of the Covenant.

    b) Area 2: Area 2 is the portion of the Property so designated in Exhibit A. Area 2 shall not be used for residential purposes and construction activities shall not begin until DTSC determines that Polycyclic Aromatic Hydrocarbon (PAH) concentrations in soil do not pose an unacceptable risk to human health or safety or the environment. Furthermore, the Area will require proper remediation to make it suitable for residential use and DTSC records a release terminating these IR's for Area 1 in accordance with Article VI of the Covenant.

    c Area 3: Area 3, which is a sub-area of Area 2, is the portion of the Property designated in Exhibit A and is known generally as IR Sites 04/06. Construction activities shall not begin until DTSC determines if petroleum concentrations in the soil do not pose an unacceptable risk to human health or safety or the environment. These concentrations must be properly remediated to make the Area suitable for residential use. Once DTSC has recorded a release terminating these IR's for Area 1 in accordance with Article VI of the

DTSC-2

Covenant, construction activities may commence.

2. The site is also subject to the *Covenant to Restrict Use of Property (Environmental Restrictions), Fleet and Industrial Supply Center, Oakland, Alameda Facility and Alameda Annex and Alameda Naval Air Station East Housing, Alameda, California*, dated July 20, 2000. Details include the following prohibited activities:

    a) Construction of any water well screened for the extraction of water from the shallowest groundwater zone except as provided in the Covenant.

    b) Extraction (except necessary construction site dewatering), utilization or consumption of water from the shallowest groundwater zone for use other than irrigation or emergency use, e.g. firefighting.

    c) Disposal of extracted groundwater from construction site dewatering into the waters of the state except in compliance with the requirements of the Regional Water Quality Control Board, San Fransico Bay Region.

    d) Engaging in any excavation below the threshold depth without a City (Alameda) Excavation permit.

3. A draft Operation and Maintenance Plan documents the components of the ongoing operations, maintenance activities and remediation implementation at the Site is expected to be approved shortly by DTSC. Both long-term engineering and institutional controls are present to minimize exposures between Site users and chemicals that may be present in soil, soil gas or groundwater. The engineering controls consist of:

    a) In Area A and commercial Area B, a cap to prevent contact with native fill soils and,

DTSC-2

DTSC-3

DTSC-4

b) In Area A, a minimum 3-foot air gap beneath the concrete wharf deck to break the vapor intrusion pathway for the northern warehouse structure.

The institutional controls are as follows:

a) In Area A and commercial Area B, prohibition of residential and other sensitive uses.

b) In commercial Area B, non-occupancy of the southern warehouse to mitigate potential vapor intrusion concerns for this structure (see below).

c) Prohibition of extraction and use of groundwater.

d) Compliance with the City of Alameda Marsh Crust Ordinance.

DTSC-4

As discussed above, the Alameda Site falls within the area covered by the Marsh Crust Ordinance. City of Alameda Ordinance No. 2824, adopted on February 15, 2000. The ordinance prohibits engaging in any excavation below specified threshold depths without an excavation permit and without taking proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of. The proposed excavation depth at the Alameda Site is 15 feet below ground surface which exceeds the excavation depth threshold of 10 feet below ground surface and, therefore, requires a Marsh Crust Ordinance excavation permit.

DTSC-5

Please update the DEIR on these additional restrictions:

1) Section 2.1 Proposed Project Location and Setting: On page 2-5, the first sentence of the first paragraph provides an incomplete list of the site owners. The owners of the Alameda Site are FIC Alameda 365 LLC; FLP Alameda 365 LLC; Alameda 365 LLC; and Alameda 365 Investors, LLC.

DTSC-6

2) Section 2.2 Existing Site Conditions and Uses: On page 2-8, the first sentence of the third paragraph lists an incorrect size of the Alameda Site. Please revise the size of the Alameda Site to approximately 22 acres in this section and throughout the document.

DTSC-7

DTSC believes the Port of Oakland must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC-8

DTSC appreciates the opportunity to comment on the Oakland Harbor Turning Basins Widening project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Dave Kereazis
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cc: via email)

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CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

December 18, 2023

SCH #: 2022050647
GTS #: 04-ALA-2022-00772
GTS ID: 25358
Co/Rt/Pm: ALA/880/R31.7

Khamly Chuop, Port Associate Environmental Planner
Port of Oakland
530 Water Street
Oakland, CA 94607

Re: Oakland Harbor Turning Basins Widening – Draft Environmental Impact Report (DEIR)

Dear Khamly Chuop:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oakland Harbor Turning Basins Widening project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the October 2023 DEIR.

Caltrans-1

Project Understanding

The proposed project involves widening the turning basins at the Oakland Seaport. The turning basin in the Seaport's inner harbor would be widened by 334 feet, from its current diameter of 1,500 feet to 1,834 feet and would require dredging and removal of landside property along the shoreline at the Seaport in the City of Oakland and along the shoreline in the City of Alameda. The turning basin in the Seaport's outer harbor would be widened by 315 feet, from its current diameter of 1,650 feet to 1,965 feet; widening the turning basin in the outer harbor would be conducted via dredging.

Climate Change

Please keep Caltrans Transportation Planning & Local Assistance's Climate Change Branch informed about the adaptation measures as they are developed and

Caltrans-2

implemented near the Oakland Harbor shoreline. Caltrans D4 is interested in engaging in multi-agency collaboration early and often, to find multi-benefit solutions that protect vulnerable shorelines, communities, infrastructure, and the environment. Please contact Vishal Ream-Rao, Caltrans Bay Area Climate Change Planning at D4_ClimateResilience@dot.ca.gov with any questions or for potential collaboration opportunities. Caltrans-2

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits *(link)*. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN). Caltrans-3

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. Please also consider, mitigating community health impacts (e.g., noise, air quality, access, or mobility) especially those in disadvantaged communities near the project site. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. Caltrans-4 Caltrans-5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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Dr. Philip M. Fine
EXECUTIVE OFFICER/APCO

Connect with the Bay Area Air District:

December 18, 2023

Khamly Chuop
Port Associate Environmental Planner and Scientist
Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: Port of Oakland Harbor Turning Basins Widening Draft Environmental Impact Report (DEIR)

Dear Khamly Chuop:

Bay Area Air Quality Management District (Air District) staff has reviewed the Draft Environmental Impact Report (DEIR) for the Oakland Harbor Turning Basins Widening Project (Project) to evaluate the potential widening of Oakland's turning basins. The Project proposes to increase the width of the Port of Oakland's (Port) two existing turning basins – the Outer Harbor Turning Basin (OHTB), and the Inner Harbor Turning Basin (IHTB) – to accommodate vessels that are 1,310 feet long and 193 feet wide, with an estimated cargo capacity of 19,000 twenty-foot equivalent units (TEU). The expansion consists of widening the existing OHTB by an additional 315 feet and the IHTB by an additional 334 feet.

Air District-1

The Project will require federal approval under the National Environmental Policy Act (NEPA). The U.S. Army Corps of Engineers (USACE), in partnership with the Port, released the Project's draft Environmental Assessment (EA) pursuant to NEPA on December 17, 2021, and the Air District provided comments on the draft EA on February 14, 2022. The Air District also provided comments on the California Environmental Quality Act (CEQA) Notice of Preparation (NOP) on July 5, 2022.[1] The DEIR should address all Air District comments submitted on both the EA and the NOP.

The Air District continues to have concerns about the Project, especially regarding the air pollution impacts to the community of West Oakland, located east of the Outer Harbor Channel and north of the Inner Harbor Channel. The Air District is concerned with the Project's cumulatively considerable net increase of NO_x and $PM_{2.5}$ criteria pollutants, and cancer risk for sensitive receptors, during construction phases. Furthermore, the Project's potential operational impacts including increases to twenty-foot equivalent unit (TEU) conflicts with the goals of both the

Air District-2

Air District-3

[1] Both comment letters can be found the Air District's website at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-comment-letters

Air District's 2017 Clean Air Plan (2017 CAP)[2] and the West Oakland Community Action Plan (WOCAP).[3]

Air District-3

As the DEIR correctly identifies, West Oakland is a community characterized by a cumulative air pollution exposure burden. There are multiple existing sources of air pollution within and adjacent to West Oakland, and the community is already subject to elevated air pollution emissions from nearby highways, cargo shipping, trucking, and industrial facilities. The combination of these sources has resulted in disproportionate adverse health impacts on the West Oakland community. This heightened exposure and health burden is important context for the thorough evaluation of any additional impacts arising from both the construction and operations of the Project.

Air District-4

Environmental Justice

The Project is situated near the West Oakland community, which holds designations under AB 617, SB 1000, and also is an Overburdened Community as defined by the Air District.[4] The Air District strongly urges the Port review and implement best practices to center environmental justice (EJ), health, and equity in the **construction and operations** phases of this Project as illustrated in chapter two (2) of the Air District's 2022 California Environmental Quality Act (CEQA) Guidelines.[5]

Air District-5

EJ relates to the relationship between social and economic factors and environmental impacts on people and their communities. Thus, consideration of race, demographics, and health outcomes of an impacted community are crucial to a thorough and sensitive environmental review.

Air District-6

The Air District recommends the following:

- Prepare a racial impact statement – an analysis of how a proposed action affects racial, ethnic, or national origin groups – to ensure and demonstrate nondiscrimination under Title VI of the 1964 Civil Rights Act. Please contact Air District staff for resources and tools to help prepare a racial impact statement.

Air District-7

[2] Bay Area Air Quality Management District, 2017. Spare the Air: Cool the Climate, Final 2017 Clean Air Plan, https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf

[3] Bay Area Air Quality Management District, October 2019. Owning Our Air. The West Oakland Community Action Plan – Volume 1: The Plan, https://www.baaqmd.gov/~/media/files/ab617-community-health/west-oakland/100219-files/final-plan-vol-1-100219-pdf.pdf

[4] Bay Area Air Quality Management District, 2021. Regulation 2: Permits, Rule 1: General Requirements, Section 2-1-243, Overburdened Community, https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_rg0201-pdf.pdf?rev=103cc60e706947d3ad1e4f5a090483c1

[5] Bay Area Air Quality Management District, 2022. California Environmental Quality Act (CEQA) Guidelines, Chapter 2, Best Practices for Centering Environmental Justice, Health, and Equity, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-2-environmental-justicefinal-pdf.pdf

- Identify each census tract designated as a Disadvantaged Community per SB 535, locally designated per SB 1000, an AB 617 Community, or an Air District Overburdened Community. For each identified census tract please show its location on a map. Further, specific information on each of these census tracts should be included in the DEIR Air Quality Section Environmental Setting. This may include information on racial and ethnic composition, and sensitive population health indicators (e.g., asthma, cardiovascular disease, infants with low birth weight) and socioeconomic factor indicators (e.g., educational attainment, housing-burdened low-income households, linguistic isolation, poverty, unemployment) included in CalEnviroScreen 4.0.

Air District-8

WOCAP Implementation

The Air District and the West Oakland Environmental Indicators Project (WOEIP) worked with a community Steering Committee to develop the WOCAP, adopted by the Air District Board of Directors and the California Air Resources Board (CARB) in 2019. The WOCAP sets goals and targets for reducing exposure to $PM_{2.5}$ and diesel emissions, and reducing cancer risk from toxic air contaminants (TACs). Any increases in local $PM_{2.5}$, diesel emissions or cancer risk would be inconsistent with the WOCAP and would hinder progress toward the agreed upon targets set by the WOCAP Steering Committee, the Air District, and the California Air Resources Board (CARB).

Air District-9

The Air District commends the Port for its participation as a member of the WOCAP Steering Committee and encourages continued engagement in WOCAP implementation. Further robust engagement can help identify opportunities to implement strategies and meet the WOCAP goals and targets. Therefore, the Air District recommends the following:

- The Air District acknowledges the Port's incorporation of mitigation measures that correspond with multiple WOCAP strategies that pertain to the Project's construction phase. The Air District advises the Port to engage with the WOCAP Steering Committee to identify mitigation measures aimed at minimizing air quality impacts during operational phases that are consistent with WOCAP goals and strategies.

- Create a Community Benefits Agreement (CBA) in consultation with the WOCAP Steering Committee, to develop a package that includes benefits most important to community members.

- Collaborate with the WOCAP Steering Committee to deliver a presentation on the implementation of any prospective Mitigation Monitoring or Reporting Program (MMRP) adopted for the Project.

Air District-10

Consistency with Adopted Plans

As mentioned earlier, the Air District is concerned with the Project's ***significant and unavoidable impact*** due to the Project's inconsistency with the 2017 CAP and the WOCAP. Air District-11

As described in the section above, the Port should engage the WOCAP Steering Committee to identify mitigations that align with WOCAP strategies, goals and targets to avoid additional cumulative pollution impacts on a community already affected by environmental pollution and experiencing significant health disparities. Air District-12

Continued Implementation of the Seaport Air Quality 2020 and Beyond Plan

Given the substantial impact on air quality, the Port should continue to implement strategies outlined in the Port's Seaport Air Quality 2020 and Beyond Plan (Seaport Air Quality Plan) to achieve its zero-emissions Port operations vision. In the interest of fostering transparency and accountability, the Air District strongly recommends several measures: Air District-13

- Provide accessible links to the latest Annual Reports presented to the Board of Commissioners, as described on page 44 of the Seaport Air Quality Plan.

- Provide a detailed status update on the Near-Term Action Plan (Years 2019-2023) included on page 27 of the Seaport Air Quality Plan. This update should include a breakdown of completed actions, providing links to any concluded studies for further reference. Additionally, for actions that remain outstanding, we urge the inclusion of an estimate for their time of completion and a summary outlining challenges encountered during implementation.

- Along with the status update on the NTAP mentioned above, the Port should identify the Intermediate-Term Implementing Actions that can be put into effect now, accompanied by a clear roadmap and timeline for their implementation.

These measures will facilitate a proactive approach to address air quality concerns regarding Port operations.

Evaluate Air Quality & Climate Impacts from Project Operations

The DEIR states that if approved, the Project will not result in increased cargo throughput or modification of land-based operations at the Seaport, with negligible changes in criteria pollutant and greenhouse gas (GHG) emissions linked to these operations. This finding is based on the *2019-2050 Bay Area Seaport Forecast* prepared for the San Francisco Bay Conservation and Development Commission (BCDC) which found that, under a moderate-growth scenario, the Port will undergo an annual cargo growth of 2.1 percent irrespective of the implementation of the Air District-14

Project.[6] Given this analysis, the DEIR utilizes a future operational baseline for air quality and GHG impacts, rather than the existing conditions at the time the NOP was published, citing that *"The use of the future operational baseline rather than the existing baseline is appropriate for this situation, and allowed under CEQA because the vessel fleet would likely change in the future as a result of other economic and global influences to the shipping industry, including growth, efficiency improvements, and vessel emission improvements as well as the physical change to the turning basins."*[7] Baseline emissions constitute the starting point for the impact analysis, meaning that a project's potential impacts are measured from those baseline levels to the future scenario. The DEIR should also conduct an analysis of impacts using the current existing operations scenario as the baseline.

Air District-14

The DEIR indicates that the fleet mix and frequency of ocean-going vessels (OGVs) are anticipated to change as a result of economic trends and physical changes to the size of the turning basins. These future changes in fleet mix and vessel calls are summarized in Table 3.1-1 of the DEIR. These anticipated changes are expected to be notably different from both the existing OGV fleet mix visiting the Port and the current number of vessel calls. This implies a substantial departure from current operations. This further illustrates the need to evaluate the Project's impacts with a current existing operations scenario, as an accurate baseline is critical to the proper evaluation of the Project's potential impacts.

Air District-15

While the DEIR asserts that the proposed Project is not anticipated to augment cargo throughput or alter landside operations at the Port, a Project objective is to optimize transit efficiencies for large vessels with a cargo capacity of 19,000 TEUs. This efficiency improvement raises substantial concerns about potential operational landside impacts, including impacts from truck and rail trips to and from the Port, parking access, and traffic flow within the West Oakland community. These impacts may conflict with the West Oakland Truck Management Plan, which was designed to reduce the effects of transport trucks on local streets in West Oakland.[8]

Air District-16

Considering the significant health disparities and the disproportionate exposure to elevated levels of air pollution experienced in West Oakland, the Air District recommends that the Port:

- Conduct an additional impact analysis utilizing the emissions baseline existing at the time of the notice of preparation (NOP). This approach will facilitate a comprehensive understanding of air quality and GHG impacts during the Project's operation phase, enabling local decision-makers, community members, and the Air District to propose informed recommendations to mitigate significant impacts.

Air District-17

- Include a comprehensive impact analysis of the anticipated emissions of air pollutants and GHGs resulting from any increased use of off-road equipment and on-road truck trips resulting from the projected growth of goods movement in and out of the Port.

Air District-18

[6] Port of Oakland, Oakland Harbor Turning Basins Widening DEIR, October 2023. p. 175.

[7] Port of Oakland, Oakland Habor Turning Basins Widening DEIR, October 2023. p. 102.

[8] City of Oakland, West Oakland Truck Management Plan, May 2019, https://www.oaklandca.gov/documents/-2

Implement All Feasible Mitigation Measures to Reduce Air Pollution and Health Impacts

The Health Risk Assessment (HRA) indicates significant and unavoidable impacts on air quality and health, with significant and unavoidable cancer risk and $PM_{2.5}$ impacts during the construction phase, exceeding Air District thresholds. Despite mitigations, the HRA reveals that excess lifetime cancer risk for the maximally exposed resident is roughly 10 times above the Air District's recommended threshold. Simultaneously, the maximum $PM_{2.5}$ concentration resulting from construction activities, even with mitigations, is approximately 66 times higher than the Air District's threshold. During the second and third years of construction, the mitigated emissions for NO_x also surpass the Air District's threshold. Therefore, the substantial impact on public health and air quality requires feasible mitigation measures during the construction and operations phases of the Project.

Air District-19

The DEIR should implement all feasible measures to minimize air quality impacts to the greatest extent possible. Emission reduction measures the DEIR should evaluate and consider for both construction and operational phases include:

- Prohibit or minimize the use of diesel fuel, consistent with the Air District's Diesel Free By '33 initiative (http://dieselfree33.baaqmd.gov/).
- Require the use of grid power for construction activities whenever possible; if grid power is not available, use of alternative power such as battery storage, hydrogen fuel cells, or, if no other options are available, use of Final Tier 4 generators using renewable diesel fuel.
- Accelerate and maximize the use of renewable diesel alternatives to the Port's diesel-powered equipment and vehicle fleet consistent with the Port's Seaport Air Quality Plan.
- Accelerate implementation of zero-emission equipment, vehicles and supporting infrastructure to mitigate air pollution and GHG impacts. The Port should also accelerate the phase out of non-zero-emission combustion powered drayage trucks as defined under CARB's Advanced Clean Fleets Regulation.
- Prohibit trucks from idling for more than two minutes or prohibit idling altogether.
- Implement a program that incentivizes construction workers to carpool, use EVs, or use public transit to commute to and from the site. The program may include the following features, as feasible: providing a shuttle service to and from BART; preferential parking to carpool vehicles, vanpool vehicles, and EVs; and scheduling work shifts to be compatible with the schedules of local transit services.
- Incorporate mitigation measures into the Project's permit, with clear expectations, milestones, enforcement and oversight.

Air District-20

Additional Recommendations

- The DEIR should include a discussion of compliance with Air District Regulation 6, Rule 6: Prohibition of Trackout for construction sites where the total land area covered by

Air District-21

construction activities and/ or disturbed surfaces at the site are one acre or larger as it applies to the Project. To review the regulation, please visit https://www.baaqmd.gov/rules-and-compliance/rules/regulation-6-rule-6-prohibitionof-trackout and consult with staff from the Air District's Compliance and Enforcement Division at (415) 749-4795 or compliance@baaqmd.gov.

Air District-21

- Certain aspects of the Project may require an air quality permit (Authority to Construct/Permit to Operate) from the Air District (for example, diesel generators, certain portable equipment being used in a stationary manner). Any applicable Air District permit requirements should be discussed in the DEIR. For instance, Table 2.6.-1, "Permits and Approvals Anticipated for the Proposed Project" of the DEIR omits the Air District. Additionally, under Appendix B "Air Quality and GHG Technical Report" of the DEIR, two sources are mentioned that will likely require an Authority to Construct/Permit to Operate from the Air District:
    - Page 25 mentions a diesel engine used to power a crane at Berth 10, which is described in the DEIR's Page 2-8 as a rehandling dredged material area.
    - Page 30 mentions fugitive dust from storage piles, which are controlled by watering. Appendix B states that Berth 10 is assumed to have up to 4.4 acres of storage piles.

  Please contact Barry Young, Senior Advanced Projects Advisor in the Air District's Engineering Division, at (415) 749-4721 or byoung@baaqmd.gov to discuss permit requirements.

Air District-22

Air District Planning staff are available to assist the Port in addressing these comments. If you have any questions or would like to discuss Air District recommendations further, please contact Diana Perez-Domencich, Environmental Planner, dperez-domencich@baaqmd.gov and Mark Tang, Acting Assistant Manager, at mtang@baaqmd.gov.

Sincerely,

Greg Nudd
Deputy Executive Officer of Science and Policy

cc: BAAQMD Chair John J. Bauters
BAAQMD Director Juan Gonzalez
BAAQMD Director David Haubert
BAAQMD Director Nate Miley
Stanley Armstrong, California Air Resources Board
Ms. Margaret Gordon, West Oakland Environmental Indicators Project
Brian Beveridge, West Oakland Environmental Indicators Project

Attachment: Air District comment letter to Mr. Eric Jolliffe, US Army Corps of Engineers, dated February 14, 2022, "Oakland Harbor Turning Basins Widening Navigation Study Project Draft Integrated Feasibility Report and Environmental Assessment"

Attachment: Air District comment letter to Mr. Eric Jolliffe, US Army Corps of Engineers, dated February 14, 2022, "Oakland Harbor Turning Basins Widening Navigation Study Project Draft Integrated Feasibility Report and Environmental Assessment"

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the Bay Area Air District:

February 14, 2022

Mr. Eric Jolliffe
Environmental Manager
US Army Corps of Engineers
450 Golden Gate Ave 4th Floor
San Francisco, 94102

RE: Oakland Harbor Turning Basins Widening Navigation Study Project Draft Integrated Feasibility Report and Environmental Assessment

Dear Mr. Jolliffe:

Bay Area Air Quality Management District Air District) staff has reviewed the Draft Integrated Feasibility Report and Environmental Assessment (Feasibility Report) for the Oakland Harbor Turning Basins Widening Navigation Study Project Project). The United States Army Corps of Engineers USACE) is the federal sponsor, and the Port of Oakland Port) is the local sponsor of the Project. The stated purpose of the Feasibility Report is to determine if there is a technically feasible, economically justifiable, and environmentally acceptable recommendation for federal participation in an improvement project to the existing federal navigation channels of Oakland Harbor.

The Project proposes to expand the Outer Harbor Channel and Outer Harbor Turning Basin OHTB) and the Inner Harbor Channel and Inner Harbor Turning Basin IHTB). The OHTB is south of the San Francisco-Oakland Bay Bridge and is maintained to a depth of -50 feet mean lower low water MLLW . The OHTB serves the existing TraPac and Ben E. Nutter terminals. The OHTB expansion would widen the existing turning basin from 1,650 to 1,965 feet, which would be dredged to a depth of -50 feet MLLW. The IHTB is approximately 2.5 miles from the Inner Harbor entrance and is maintained to -50 feet MLLW. The IHTB serves the existing Oakland International Container, Matson, and Schnitzer Steel terminals. The IHTB expansion would widen the existing turning basin from 1,500 feet to 1,834 feet, which would be dredged to a depth of -50 feet MLLW. In addition to in-water work to widen the IHTB, land at Schnitzer Steel, Howard Terminal, and private property located along the Alameda shoreline would be impacted.

The community of West Oakland is located east and northeast of the Outer Harbor Channel and Inner Harbor Channel, respectively, and the Feasibility Report identifies the West Clawson neighborhood of West Oakland as an Environmental Justice EJ) community within one mile of the Project. The Air District and the West Oakland Environmental Indicators Project WOEIP worked with a community Steering Committee to develop the West Oakland Community Action Plan (WOCAP), adopted by the Air District Board of

$ir District-23

Directors and the California Air Resources Board (CARB) in 2019. The WOCAP sets goals and targets for reducing exposure to fine particulate matter (PM2.5), diesel emissions and cancer risk from toxic air contaminants (TACs). Any increases in local PM2.5, diesel emissions or cancer risk would be inconsistent with the WOCAP and would hinder progress toward the agreed upon targets set by the West Oakland Steering Committee, the Air District and CARB.

The Air District commends the USACE and Port for selecting a project alternative that will employ electric-powered barge-mounted excavator dredging equipment. However, Air District staff remain concerned that the Feasibility Report and General Conformity criteria fail to accurately characterize the extent of the Project's air quality impacts. The Feasibility Report determines the Project would have no impact based solely on an evaluation of construction related emissions using the General Conformity criteria of not exceeding, in any calendar year during construction, the ozone precursors and fine particulate matter (PM2.5) *de minimis* threshold of 100 tons per year. Air District staff does not support the use of General Conformity de minimis levels as appropriate thresholds for identifying potentially significant local and regional air quality impacts. The Feasibility Report does not provide substantial evidence that Project-related emissions will not increase concentrations of PM2.5, diesel emissions, or cancer risk in local communities, including the (federally determined) EJ community of West Clawson. In addition, the Feasibility Report includes no information to support the conclusion that the Project would not result in an increase in criteria pollutants, TACs, or greenhouse gases due to the increased capacity at the Port.

Air District staff recommends that the USACE and the Port evaluate the Project's potential air quality impacts to local communities in a detailed and publicly accessible environmental analysis prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA). We recommend the CEQA analysis rely on the Air District's current CEQA Air Quality Guidelines to establish thresholds, and fully evaluate the regional criteria pollutants, local risks and hazards, and greenhouse gases of the Project.

Comments on the Feasibility Report

The Feasibility Report should provide evidence to support the following aspects of the analysis:

1) Additional information should be provided on the number and type of haul trucks that will be used during construction to substantiate the analysis. Disposal of excavated landside material, piles and debris from warehouse demolition would require approximately 31,310 truck trips during Project construction, likely adding new truck trips and associated emissions to already overburden communities.

2 Evidence should be provided to support the statement of no change in operational emissions at the Port, including documentation to support the claim that increased navigational efficiency will not result in an increase in the number of ship calls or

Air District-23

throughput at the Port. Even if the number of ship calls were to remain unchanged, the Project would allow larger vessels – with different emissions profiles – to access the Port. The environmental analysis should clearly discuss the types of vessels (and the associated emissions) that could visit the Port as a result of the Project.

3 Evidence should be provided to support the statement that increased navigational efficiency would result in a decrease in emissions from ship idling and turning maneuvers, and documentation should be provided to confirm which EJ communities could benefit from these decreased emissions.

4 The Feasibility Report cites Appendix A-4 for documentation of the Port's Health Risk Assessment HRA . However, Appendix A-4 only documents construction criteria pollutant emissions. To support the finding of no impact to nearby EJ communities, an HRA or similar localized health analysis must evaluate the potential increase in local risks and hazards from PM 2.5, diesel emissions, and TACs from the Project. Without this analysis, the Feasibility Report's finding of no impact cannot be substantiated.

Further Recommendations for completion of an EIS/EIR

A joint EIS/EIR should be prepared and provide evidence to support all findings, including a full evaluation of regional criteria pollutants, local risks and hazards, and greenhouse gases, and commit to all mitigations to address impacts and protect health, including but not limited to the recommendations below:

1 Analyze construction phase emissions from all equipment, including tugboats and other marine vessels, on-road and off-road trucks, and other equipment.

2 Analyze all potential operational phase emissions, including any changes in emissions due to changes in vessel activity during ship calls, changes in types of vessels calling at the Port, increased ship calls, and any increased use of off-road equipment and on-road truck trips.

3) Complete an HRA to evaluate the potential increase in local emissions and exposure to PM2.5 and TACs from construction and operational phases of the Project in federally identified EJ communities, the entire community of West Oakland as described in the WOCAP, and any additional overburdened communities that may be impacted by travel to and from the Project site, such as Martinez, Bay Point, and Pittsburg.

4 Complete an analysis of air quality impacts of the Project's operational phase, including a cumulative analysis that considers all reasonability foreseeable projects with the potential to further burden West Oakland with exposure to emissions, such as the Eagle Rock Aggregate Project and the Oakland Waterfront Ballpark District Project.

Air District-23

5 Implement mitigation measures and/or Project alternatives to reduce emissions and local community health risk from the construction and operational phases, including selecting and enforcing truck routes, requiring use of zero-emission on-road trucks and off-road construction equipment, and implementing other strategies to reduce exposure consistent with the WOCAP.

6 Demonstrate the Project is consistent with the WOCAP per the California Environmental Quality Act CEQA) Guidelines, Appendix G, https://opr.ca.gov/ceqa/guidelines/. The analysis should discuss how the Project supports the WOCAP goals and targets; identify which WOCAP strategies are incorporated into the Project, and justify the reasons, supported by substantial evidence, any strategies are not incorporated; and demonstrate that the Project would not cause disruption, delay, or otherwise hinder implementation of any WOCAP strategies.

Air District staff is available to assist the USACE and Port in addressing these comments and to assist during the EIS/EIR development process. If you have questions or would like to discuss Air District recommendations, please contact Alison Kirk, Assistant Manager, at akirk@baaqmd.gov.

Sincerely,

Greg Nudd
Deputy Air Pollution Control Officer

Cc: BAAQMD Director John J. Bauters
BAAQMD Director Pauline Russo Cutter
BAAQMD Director David Haubert
BAAQMD Director Nate Miley
Stanley Armstrong, California Air Resources Board
Brian Beveridge, West Oakland Environmental Indicators Project
Connell Dunning, U.S. EPA Region 9
Ms. Margaret Gordon, West Oakland Environmental Indicators Project
Danny Wan, Port of Oakland

Air District-23

City of Alameda • California

December 18, 2023

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

Via Electronic Mail
Turningbasins@portoakland.com

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. Although our partnership with the Port and the Army Corps of Engineers Army Corps or USACE) is crucial, the City of Alameda is compelled to take an assertive stance against the Project unless its concerns are adequately addressed. Ala-1

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 1–4).**

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 uses, seismic shoreline hazards, air quality, noise, and transportation. The City therefore qualifies as a "participating agency" under the National Environmental Policy Act (NEPA) and a "responsible agency" under CEQA. Ala-2

The City is concerned that both the DEIR, and the Army Corps' 2023 NEPA Environmental Assessment (2023 EA) 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, Ala-3

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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. Ala-3

These Plan amendments are discretionary actions that must be reviewed and approved by the City of Alameda Planning Board and City Council 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 and will likely be subject to additional CEQA review before approval. Ala-4

The City of Alameda City Council must also 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 environmental review before it issues any subsequent approvals or permits. Ala-5

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 and 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. Ala-6

- **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. These truck trips pose a potential risk of road degradation along the designated routes. The DEIR should include a comprehensive assessment of the potential impacts on road infrastructure, particularly in terms of degradation, increased maintenance costs, and related concerns. Alternatively, the DEIR needs to study the feasibility of utilizing a marine barge for the transportation of materials to and from the construction site. Barge transportation has the potential to significantly reduce the traffic and safety impacts on local roads and alleviate concerns related to road degradation. Ala-7 Ala-8

  Additionally, the City recommends the inclusion of a mitigation measure requiring the assessment of road degradation caused by the Project's anticipated transportation activities during construction and once the widened Turning Basin is operational. Furthermore, the DEIR should explore the feasibility of implementing mitigation fees to address potential road degradation and cover associated maintenance costs. These fees could contribute to the preservation and enhancement of local road infrastructure, ensuring that the burden on the City's transportation network is appropriately mitigated. Ala-9

- **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. See Exhibit A, Attachment 4.) In particular, the City emphasizes the need for further outreach by the Port to sensitive receptors located in nearby housing communities, including those at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, the Barnhill Marina communities, and those residential communities along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue) that are in close vicinity to the Project site. Ala-10

- **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. As more fully explained in Exhibit A and Attachment 4 thereto, the City implores the Port to consider additional protective measures to ensure these vulnerable communities are not subject to even more adverse air quality impacts. Ala-11

- **Cumulative Impacts**

  The DEIR must evaluate cumulative impacts comprehensively, particularly in light of new developments at Alameda Point and within Alameda. It is essential to consider these developments in conjunction with the Turning Basin Project and assess their collective share of impacts on the surrounding environment, infrastructure, and community well-being. The City urges a thorough examination of how these various projects intersect and contribute to cumulative effects to ensure a holistic understanding of the overall impact on the region. Ala-12

  The City also emphasizes the importance of providing clear and visual simulations of the anticipated impacts outlined in the DEIR. Visual representations are essential for both decision-makers and the public to adequately comprehend the potential consequences of the Turning Basin Project. These simulations should vividly illustrate the projected changes to the landscape, transportation routes, and affected areas throughout various stages of the Project. Ala-13

<u>Geology/Soils, Seismic, and Sea-Level Rise Impacts in Alameda</u>

The DEIR's analysis of the potential and cumulative 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. (See Exhibit A, Attachments 2, 3.) Ala-14

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 Ala-15

the turning of even longer ships in the Inner Harbor and the associated tugboat activity necessary to operate these larger ships. The DEIR and NEPA analyses 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 analyses 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. Ala-15 Ala-16 Ala-17

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. See Exhibit A, Attachment 4.) Examples of additional and revised mitigation measures must include, but are not limited to: Ala-18

- 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 Mitigation Measures

    - 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 . Ala-19

    - Water Shuttle: Provide annual funding for a free public water shuttle to operate between Alameda Landing and Jack London Square during the 2+ year construction period. Due to the magnitude of Project impacts, funding for the water shuttle should also be beyond the 2-year construction period. Ala-20

    - 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. The Traffic Control Plan should include the use of Zero Emissions construction vehicles, active air quality monitoring. Enforcement mechanisms must be in place to ensure the project construction abides by all construction-related best management practices. Ala-21

    - Roadway Degradation Mitigations: Provide roadway paving or mitigation fees to defray the City's costs for resurfacing and reconstruction of local streets resulting from the degradation from over 25,000 construction truck trips generated by the Project. Ala-22

- 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 concurrently 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 Ala-23

included in the Plan include, but are not limited to: Ala-23

- A noise compliance liaison who can receive and effectively respond tonoise complaints, and ensure construction activities comply with the City's Noise Ordinance. Under no circumstance other than emergency situations should construction occur during nighttime hours; Ala-24
- A sensitive receptor relocation plan that offers nearby residents with alternative habitation options should construction noise adversely disturb daily quality of life; Ala-25
- 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. Ala-26

Explore Project Alternatives Not Involving Alameda Land

The DEIR must explore alternatives that avoid using Alameda's land altogether. The alternatives should include exclusive or complete use of Howard Terminal to facilitate the expanded Turning Basin, which is on Port property and no longer being pursued for a Major League Baseball stadium and waterfront ballpark project by the Oakland Athletics (A's). Ala-27

The City appreciates the opportunity to submit comments on the Project and would welcome an opportunity to meet with the Port and Army Corps to further discuss the City's concerns. **Our collaboration with the Port of Oakland and the Army Corps of Engineers is vital; but after thorough review and consideration of the DEIR, the City of Alameda is compelled to take an assertive position in opposition to the Project unless the City's concerns are adequately addressed.** Ala-28

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. Ala-29

Sincerely,

/s/ Allen Tai

Allen Tai, AICP
Planning, Building and Transportation Director
City of Alameda

Enclosures:

Exhibit A: City of Alameda's Legal Analysis of the Draft EIR's CEQA Compliance
- Attachment 1: City of Alameda's Letter to USACE re: 2023 Environmental Assessment, Feb. 14, 2022
- Attachment 2: Ninyo & Moore Geotechnical Expert Comments on Draft EIR, Dec. 18, 2023
- Attachment 3: Alameda Point Master Infrastructure Plan, ENGEO Geotechnical Constraints Report, Jan. 30, 2013
- Attachment 4: Suggested Additions and Revisions to Draft EIR's Mitigation Monitoring Reporting Program

ShareFile Link: Sources Cited

December 18, 2023 Comment Letter

EXHIBIT A

EXHIBIT A

CITY OF ALAMEDA'S DETAILED COMMENTS ON THE INADEQUACIES OF THE DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE OAKLAND HARBOR TURNING BASIN EXPANSION PROJECT

Table of Contents:

I. The DEIR must be revised to adequately address the City's permitting authority over the Project.

A. The current iterations of the DETR and 2023 EA fail to adequately disclose Project impacts that are subject to the City's jurisdiction as a responsible agency under CEQA and as a participating agency under NEPA.

B. The Project will require numerous discretionary land use approvals before the City can issue a building permit.

i. The Bayport/Alameda Landing Waterfront Master Plan Amendments.

ii. Other Discretionary Approvals from the City of Alameda.

C. The Port and Corps must consider a Project Alternative that avoids the Alameda Site.

II. The DEIR fails to adequately identify the existing Shoreline's degraded state and the Project's potential to exacerbate these conditions.

A. Background and Governing Land Use Plans.

B. The DETR improperly defers analysis of, and mitigation for, known geological risks to Alameda's already-fragile and destabilized shoreline.

C. The DETR must analyze how the Project will cumulatively impact the Alameda Shoreline's existing instability under both operational and seismic conditions.

III. The DEIR's analysis of, and mitigation for, sea-level rise impacts must be revised.

A. The DETR fails to adequately analyze how the Project will exacerbate sea-level rise impacts to the City of Alameda.

B. The DETR must be recirculated to include an alternative designed to reduce the imminent effects of sea-level rise to the Alameda Shoreline.

IV. The DEIR's individual and cumulative impact analyses must be revised to comply with CEQA.

A. CEQA requires the DETR to include consideration of all reasonably foreseeable consequences of the Project.

B. The DETR's cumulative impacts analysis must be revised to include consideration and analysis of entitled projects in Alameda that will share the same construction timeline as the Project.

C. The DETR's analysis of air quality and health risks is flawed.

i. The DETR's identification of baseline conditions is incomplete and improperly skews the air quality analysis.

ii. The Port must adopt all feasible mitigation measures to avoid or substantially lessen the Project's otherwise significant air quality and health impacts.

D. The Port must adopt all feasible measures to mitigate the significant adverse noise impacts of the Project both on and off-site.

E. The DETR Fails to Adequately Analyze and Mitigate Significant Project-Related Greenhouse Gas Emissions.

F. The DETR fails to adequately mitigate construction related transportation impacts to ensure less than significant impacts to City streets and residents.

Given the severity of the Oakland Harbor Turning Basin (THTB) Project's (Project) potential and future impacts to the City of Alameda's (City) Shoreline and its neighboring residents, the City has engaged technical and legal specialists at public expense to provide expert advice in preparing these comments. This analysis and its accompanying attachments constitute the City's initial comments on the Draft Environmental Tmpact Report (DETR), to which the City requests that the Port meaningfully consider and respond to. Due to the omission of key baseline information and technical studies from the DETR, along with its reliance on faulty assumptions presented in the Army Corps of Engineers' (Corps or USACE) draft Environmental Assessment (EA , the City requests that the Port of Oakland (Port) revise and recirculate the DETR for additional public review and comment, particularly if the Port declines to meet and confer with the City in good faith or adopt the additional feasible mitigation measures suggested by the City herein. (Cal. Code Regs., tit. 14 [CEQA Guidelines; hereinafter "Guidelines"], § 15088.5.)

Ala-30

Ala-31

I. <u>The DEIR must be revised to adequately address the City's permitting authority over the Project</u>.

As indicated in the City's February 14, 2022 comment letter to the USACE (attached hereto as **Attachment ["Attach."] 1**), over half of the Project's proposed work is located within Alameda, thus requiring significant involvement and permitting from the City's Planning and Public Works Departments and City Council. Attach. 1, p. 1; see also USACE, April 2023 Oakland Harbor Turning Basins Widening Draft Tntegrated Feasibility Report and Environmental Assessment ["2023 EA"], p. 143 ["The modifications would impact approximately 6.0 acres of fast land (land that is above the high-water mark) at the Alameda Site, no fast land at Schnitzer Steel, and 3.9 acres of fast land at Howard Terminal. Tn Alameda, four of the warehouse bays on the property would be impacted"][1]; see also *id.* at pp. 72-73 [Table 14 identifies ten public parks located less than one mile from the THTB construction site].)

Ala-32

By virtue of this, the City qualifies as a "participating agency" under NEPA[2] and a "responsible agency" under CEQA[3]. Nevertheless, the City has not been invited to meaningfully participate in or be involved with any aspect of the Project planning or consultation process. Given this, the City is troubled that the DETR, and the 2023 EA upon which it relies, are largely silent about the City's pivotal role in the approval process for the Project.

Ala-33

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[1] The amount of impacted land within Alameda has increased since the Project was first proposed. The Corps' 2021 Draft Tntegrated Feasibility Study and Environmental Assessment ("2021 EA") initially anticipated that the proposed "modifications would impact approximately 4.9 acres of fast land (land that is above the high-water mark) at the Alameda site, 0.2 acres of fast land at Schnitzer Steel, and 2.3 acres of fast land at Howard Terminal." (2021 EA, pp. iv, v.) These inconsistencies must be corrected prior to Project approval.

Ala-34

[2] See 40 C.F.R. §§ 1501.5 [during NEPA review, federal agencies "shall involve the public, State, Tribal, and *local governments*, relevant agencies, and any applicants, to the extent practicable in preparing environmental assessments" (emphasis added)], 1501.8 [the purpose of NEPA "is to emphasize agency cooperation early in the NEPA process"]; 42 U.S.C. 4370m-2, subds. (2)-(3) [The lead agency "shall. identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project."], 4370m-4, subd. (e) ["The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law."]; *International Snowmobile Mfrs. Ass'n v. Norton* (2004) 340 F.Supp.2d 1249, 1262 (*Int'l Snowmobile*) [participation and delegation of responsibilities to local cooperating agencies "must be meaningful"].

Ala-35

[3] See Pub. Resources Code, §§ 21069, 21002.1, subd. (d); see also Guidelines, §§ 15064, subd. a)(2) [findings required of responsible agencies], 15041, subd. (b) [authority to mitigate].

For example, the 2023 EA explains that "[c]ontinuous coordination with the Port of Oakland, the state of California, federal resource agencies, and the public occurred throughout the study to ensure an open and transparent process that respects views of individuals and groups." 2023 EA, p. 151.) The City of Alameda, however, was never included in these alleged coordinated efforts. Similarly, the 2023 EA recounts the "series of meetings" that the Corps held with environmental justice communities in West Oakland "to discuss the Recommended Plan and obtain their input." *Id.* at p. 157.) Despite acknowledging that an environmental justice community in Alameda will also be adversely affected by the Project's noise and air quality impacts (see *id.* at pp. 37, 158), no such meetings were held with those Alameda constituents. (*Id.* at p. 151.) Ala-36

This silence is compounded by the DETR's failure to describe the scope of the City's concurrent jurisdiction over the Project, including the potential need for subsequent environmental review and the adoption of CEQA findings by the City Council before it can issue requisite discretionary approvals. (Cf. DETR, p. 2-40 [Table 2.6-1: Permits and Approvals Anticipated for the Proposed Project].) The DETR contends that the City's land use policies would not apply to the Corps' future maintenance dredging of the Oakland Harbor, but fails to explain why. DETR, p. 3.11-12.) Ala-37 Ala-38

For these reasons, the City encourages the Port to revise the DETR and its accompanying NEPA analyses to either reflect these requirements or discuss the ways in which the City, Port, and Corps can collaborate to ensure all parties' interests are adequately represented moving forward. Ala-39

A. The current iterations of the DEIR and 2023 EA fail to adequately disclose Project impacts that are subject to the City's jurisdiction as a responsible agency under CEQA and as a participating agency under NEPA.

CEQA requires that a lead agency prepare a sufficiently informative ETR so that all interested parties-including responsible and trustee agencies-can "balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201.) "Tf a final ETR does not 'adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,' informed decisionmaking cannot occur under CEQA and the final ETR is inadequate as a matter of law." (*Ibid.*

An informative ETR is particularly important to responsible agencies because they retain discretionary authority over other integral project approvals. Guidelines, §§ 15381, 15096; Pub. Resources Code, §§ 21069, 21002.1, subd. d); see *We Advocate Through Environmental Review v. City of Mount Shasta* (2022) 78 Cal.App.5th 629, 638-640 *WATER*) [explaining role of responsible agencies].) As a result, "responsible agencies have limited ability to conduct their own environmental review outside the processes initiated and managed by the lead agency. The responsible agency relies on the lead agency's environmental document in acting on whatever aspect of the project requires its approval." *RiverWatch*, *supra*, 170 Cal.App.4th at p. 1201.) For these reasons, "the responsible agency must consider the environmental effects of the project as shown in the ETR.and feasible mitigation measures or alternatives within the [responsible] agency's powers. Tf the responsible agency finds that any alternatives or mitigation measures within its powers are feasible and would substantially lessen or avoid a significant effect of the project, the responsible agency may not approve the project as proposed, but must adopt the feasible mitigation measures or alternatives." *Id.* at pp. 1201-1202.) Ala-40

As noted above, nearly half of the Project's proposed construction and operation activities will occur on land within the City's jurisdiction. The City must therefore consider, for purposes of its approvals, whether the Project can be designed or mitigated to avoid or substantially lessen significant impacts to the environment before the City can issue any future discretionary permits or approvals. See *WATER*, *supra*, 78 Cal.App.5th at pp. 638-639.) The City is unable to do so, however, based on the current iteration of the DETR. As explained more fully below, the City is troubled that the DETR overlooks several key City planning documents that govern the Alameda Site. Ala-41

The DETR similarly fails to analyze site-specific conditions that would allow the City to determine whether significant impacts to the already-fragile Alameda Shoreline, including those related to sea-level rise, erosion, and other seismicity hazards, will be mitigated to less-than-significant levels. Finally, the City is concerned that the dearth of information or analysis regarding Alameda-specific impacts will unnecessarily force the City to conduct costly supplemental environmental review at the expense of taxpayers. Cf. Guidelines, §§ 15162, subd. c), 15163[obligation to perform supplemental environmental review falls on the public agency that grants the next project approval if the lead agency's document is inadequate].) Ala-42 Ala-43

For these reasons, the City requests that the Port revise the DETR and any accompanying NEPA analyses on which it relies so that it includes meaningful site-specific analyses that will enable City residents and decisionmakers to better understand the scope and magnitude of the Project and its impacts on the City and its residents. Ala-44

B. The Project will require numerous discretionary land use approvals before the City can issue a building permit.

CEQA does not limit the City's power or authority to enforce the provisions of its local municipal code or land use regulations. Pub. Resources Code, § 21174 ["No provision of this division is a limitation or restriction on the power or authority of any public agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer"]; accord *Santa Clara Valley Water Dist. v. San Francisco Bay Regional Water Quality Control Bd.* (2020) 59 Cal.App.5th 199, 213-214.). Though the DETR recognizes that the City will need to issue a building permit before Project construction can commence, both the DETR and the 2023 EA on which it relies ignore several other discretionary land use approvals that the Project must obtain from the City before it can issue a building permit. Ala-45

Tn particular, the Project is inconsistent with many of the City's underlying land use plans and zoning designations that govern the Project's Alameda Site. The Project will therefore require several discretionary approvals before the City can issue any building or construction-related permits, including: Ala-46

- Amendments to the Bayport/Alameda Landing Waterfront Master Plan (Alameda Municipal Code [AMC] § 30-22);
- Amendments to the Bayport/Alameda Landing Development Plan (AMC § 30-22 ;
- Design Review of the proposed warehouse modifications (AMC §§ 30-35-30-38 ;
- A dredging permit (AMC § 13-49 ;
- A Marsh Crust excavation permit (AMC § 13-56).

Finally, due to the Project's inconsistency with these Plans, the City reiterates that additional CEQA review will likely be required before the City Council can approve any Plan amendments. (See Guidelines, §§ 15378, subd. a)(1) [a CEQA "project" includes amendments local land use plans], 15127, subd. a) [environmental impacts must be included in an ETR that is prepared in connection with the amendment of a local plan]; see also Pub. Resources Code, § 21157.6, subd. a)(2), and Guidelines, § 15179, subd. (a)(2) [master ETR cannot be used for subsequent projects not contemplated therein, the approval of which may affect the adequacy of the master ETR's environmental review].) Ala-47

i. The Bayport/Alameda Landing Waterfront Master Plan Amendments.

The Project's proposed "Alameda Site" is located within the City's Bayport/Alameda Landing Waterfront Master Plan ("Alameda Landing Master Plan" or "Master Plan"). The Master Plan was initially adopted by the Alameda City Ala-48

Council in 2000 and recently amended by the City Council in 2017.[4] The Master Plan provides general and specific design standards and development requirements for the long-range mixed-use build out of the 39 acres of land located along the Alameda-Oakland Estuary, otherwise known as the "Alameda Landing Waterfront." The City Council adopted the Master Plan by ordinance pursuant to AMC section 30-4.20 (M-X, Mixed-Use Planned Development District). The 2017 amendment specifically calls for the preservation of 364,000 square-feet of maritime commercial uses/buildings on approximately 18.3 acres of waterfront lands. The preservation of these maritime commercial buildings was imposed as a precondition to the City Council's approval of the residential development currently under construction on the remaining 20 acres. (See Alameda Ordinance No. 3188, p. 1 [Section 2].)[5]

The Project proposes to alter the Alameda Landing Master Plan by removing over six (6) of the Master Plan's eighteen 18) acres, and over half of the 364,000 square feet of existing warehouse space slated for redevelopment. Demolishing existing warehouses and shifting, consolidating, or downsizing future business operations at the Alameda Site thus directly conflicts with the Alameda Landing Master Plan. Given that buildout of the Master Plan is already underway, the Project's sudden and significant changes to the Alameda Site would not only conflict with these ongoing efforts, but also thwart the Master Plan's long-term vision of economically and environmentally revitalizing the Alameda Shoreline. The DETR's consistency determination fails to meaningfully take this into consideration or discuss how removing numerous acres of land and portions of the site's warehouses affect these long-term development goals. See DETR, pp. 3.11-18-3.11-19.)[6] As a result, the Project's current inconsistency with the Master Plan renders the DETR deficient as an informational document. See *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* 2001) 91 Cal.App.4th 342, 379 [project that frustrates a general or specific plan's goals and policies, absent definite affirmative commitments to mitigate adverse effects, is impermissibly inconsistent].)

Ala-48

Tn light of this, the Project's proposed deviation from the Master Plan, and the environmental documents prepared in support thereof, will require the City to approve Master Plan and Development Plan amendments. (See AMC §§ 30-22, 30-4.20 [M-X, Mixed-Use Planned Development District].) Before the City can approve these discretionary entitlements, it will likely need to conduct additional CEQA review to assess any associated environmental impacts. (Guidelines, § 15168, subd. c)(5); *Land Waste Management v. Contra Costa County Bd. of Supervisors* (1990) 222 Cal.App.3d 950, 957-958 [local governments "cannot issue land-use permits that are inconsistent with controlling land-use legislation, as embodied in zoning ordinances and general plans"].)

The Master Plan amendment process will also require Design Review so that the City can accurately assess the Project's modifications to the existing warehouse buildings. (See AMC §§ 30-35-30-38.[7]) This process is required for "all improvements to be constructed *by any public district or governmental agency*" and "shall be in accordance

Ala-49

[4] The 2017 Alameda Landing Supplemental ETR is available online at: https://alameda.legistar.com/View.ashx?M=F&TD=5205665&GUTD=3FA26D0E-7387-422A-8836-49CD743B1363. (Tncorporated by reference and cited to herein as "2017 Alameda Landing SETR").

[5] See also City of Alameda, Planning Board Design Review, *Waterfront Plaza & Promenade, Public Park Development Plan at Alameda Landing* June 28, 2018), available online at: https://www.alamedaca.gov/files/assets/public/v/1/major-planning-projects/alameda-landing-waterfront-park-development-plan-june-25-2018.pdf.

[6] The DETR states that "portions" of the warehouses on the northern and southern portions of the site will be demolished, but that the remaining "portions of warehouses would continue to operate as envisioned in the Master Plan." (DETR, p. 3.11-18.) The DETR does not explain how "portions" of the warehouses will be removed or what will remain, much less how those portions could still be utilized for office and commercial uses. Please clarify this discrepancy.

[7] Available online at: https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeTd=CHXXXDERE_ARTTTSTDERERE.

with the factors and criteria set out [in the Design Review Ordinance], following which [City] staff shall submit a written report of its recommendation and comments to the body proposing to construct the improvements." *Id.* at § 30-38.3 ["Other Public Agencies"] (emphasis added).) Ala-49

ii. Other Discretionary Approvals from the City of Alameda.

The Project will also require several other discretionary approvals from the City before construction can begin. For example, the City's "Marsh Crust Ordinance" (Ordinance No. 2824), which is codified under Section 13-56 of the Alameda Municipal Code[8], requires that an excavation permit be obtained for any project that proposes to dig deeper than 10 feet into the Alameda Shoreline that borders the Oakland Tnner Harbor.[9] Given that the Project proposes to dredge and excavate material deeper than 15 feet below the ground surface of the shoreline see DETR, pp. 2-31-2-32.), the Project will thus need to obtain a Marsh Crust excavation permit from the City before such activities can commence. Ala-50

To this end, the Project will likely require a dredging permit from the City, pursuant to Section 13-49 of the Alameda Municipal Code.[10] The Code provides that "[i]t is unlawful for *any person* to fill, deposit, or dump upon any land with within the City by *dredging*, pumping, or otherwise any water, mud, silt, sand, slickens, mulch or gravel without first obtaining from the Council permit in writing to do so." (AMC § 13-49.1 (emphases added).) Similarly, because the Project will permanently alter drainage patterns at the Alameda Site as a result of THTB widening (see DETR, p. 3.10-24), a grading and drainage plan must be submitted to the City's Public Works Department for review and approval. Ala-51 Ala-52

Tn sum, given the extensive amount of work that will occur in and around the Alameda Shoreline, the Port and the Corps must collaborate with City officials to ensure all necessary discretionary approvals are acquired before any construction begins. Shoreline development and revitalization is an integral part of the City's long-term developmental plans; therefore, the City hopes that this Project will not thwart those goals or jeopardize the analyses that the City has already conducted. *Land Waste Management*, *supra*, 222 Cal.App.3d at 958 ["a land-use permit which is inconsistent with existing zoning ordinances can be issued by a responsible administrative entity only after the applicable ordinances have been amended by the legislative process"]; *id.* at p. 959 ["local government agencies are *powerless* to issue land-use permits which are inconsistent with governing legislation" (original emphasis)].) Ala-53

C. The Port and Corps must consider a Project Alternative that avoids the Alameda Site.

Given the Project's significant land use impacts to Alameda, the Port and the Corps must revisit their respective documents' analysis of feasible alternatives, including as presented in the DETR. Specifically, the DETR must consider feasible alternatives that avoid or substantially lessen the impacts of the Project, including to the Alameda Site and sensitive receptors located within the City of Alameda. Ala-54

Specifically, recent events have established that the Oakland Athletics (A's) will no longer pursue construction of a Major League Baseball MLB) waterfront ballpark at Howard Terminal.[11] As a result, the A's Howard Terminal Ala-55

[8] Available online at: https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeTd=CHXTTTBUHO_ARTXVTTPTWEEX_13-56EXTNMACRSUZOFONAATSTALFLTNSUCEALANFA.

[9] See Marsh Crust Map of Alameda Point, available online at: https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/building-planning-transportation/marsh-crust/marsh_crust_ap.pdf.

[10] Available online at: https://library.municode.com/ca/alameda/codes/code_of_ordinances?nodeTd=CHXTTTBUHO_ARTXVFTDR.

[11] See generally Major League Baseball, *A's Ballpark in Las Vegas | Oakland Athletics*, available at: https://www.mlb.com/athletics/las-vegas-ballpark; see also Nov. 16, 2023, Athletics Press Release, *Athletics*

Master Plan no longer constrains the total acreage of Howard Terminal available to the Port and Corps for purposes of expanding the Tnner Harbor Turning Basin thereby avoiding significant impacts to Alameda's residents and shoreline. (See 2023 EA, p. 26; DETR, pp. 3.11-5-3.11-8, 4-5.)

Therefore, the DETR must include a new Project Alternative, including to the "Tnner Harbor Variation 2 - Shifted North" DETR, p. 5-7 [Fig. 5.4-1]), "Tnner Harbor Variation 4 - Non-Circular" DETR, p. 5-8 [Fig. 5.4-3]), or another analogous configuration that would largely confine expansion of the Tnner Harbor Turning Basin to Howard Terminal. Doing so will not only achieve the Project's fundamental objectives, but will lessen the proposed Project's significant environmental effects-particularly those to the City of Alameda-by restricting impacts to Howard Terminal or the Port's existing industrial uses, rather than Alameda's ongoing Shoreline residential and recreational developments. Ala-55

II. The DEIR fails to adequately identify the existing Shoreline's degraded state and the Project's potential to exacerbate these conditions.

A. Background and Governing Land Use Plans.

The Alameda Point Master Tnfrastructure Plan ("Alameda Point MTP") was first adopted in 2014 ("2014 Alameda Point MTP" or "2014 MTP" [12] and establishes the infrastructure, utility, geotechnical, seismic, flooding, and sea level rise improvements necessary at Alameda Point, which includes the entire southern shoreline of the Oakland Tnner Harbor. The MTP was later amended in 2020 ("2020 Alameda Point MTP" or "2020 MTP")[13] to update requirements and standards that had evolved during the previous 5 years and to reflect the City's ongoing efforts to implement backbone structure and stabilization measures within the Alameda Point area and along the Alameda Shoreline. See 2020 Alameda Point MTP, pp. 1-2.)

While preparing the 2014 MTP, the City discovered that the Port's ongoing efforts to maintain the Tnner Harbor's 50-foot depth increases the seismic instability of the Alameda Shoreline. See Attach. 2 [*Alameda Point – Infrastructure Planning: Geotechnical Constraints*, prepared by ENGEO, Jan. 30, 2013 (hereinafter "2013 ENGEO Report")].) The City has slated this portion of the Shoreline for planned regional recreational facilities, along with Bay Trail and public space improvements. The City has also determined that this part of the Alameda Shoreline must be improved to protect the lands at Alameda Point and the National Register NAS Alameda Historic District from impending sea-level rise. Ala-56

The 2014 Alameda Point MTP incorporated the Port's 2009 analysis of the shoreline's static slope stability and seismic performance, which was conducted as part of an associated deepening and widening project in the Tnner and Outer Harbor shipping channels. (2014 Alameda Point MTP, p. 38.) The Port's analysis found that static stability along the northeastern Tnner Harbor was "marginal" and that the seismic performance was "poor" with potential deformations at all seismic levels. *Ibid.* Further inland but along the same northeastern corridor, seismic performance was found to be "good" at the channel limit but "poor" at the shoreline. Ultimately, the Port's analysis indicated that the northern

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Statement on Relocation, available at: https://www.mlb.com/athletics/press-release/press-release-athletics-statement-on-relocation?t=athletics-press-releases; see also Nov. 16, 2023, Athletics News, *Owners' vote approves A's relocation to Las Vegas for 2028*, available at: https://www.mlb.com/athletics/news/owners-approve-a-s-relocation-to-las-vegas.

[12] Available at: https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/base-reuse/final-planning-documents/mip-final.pdf. (Tncorporated by reference and cited to herein as "2014 Alameda Point MTP").

[13] Available at: https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/base-reuse/final-planning-documents/master-infrastructure-plan-amendment.pdf. (Tncorporated by reference and cited to herein as "2020 Alameda Point MTP").

shoreline was "marginally stable in static conditions but had predicted deformations to occur in seismic conditions." *Ibid.* Ala-56

While preparing the 2014 MTP, the City retained geotechnical expert ENGEO to conduct additional analyses to verify the Port's conclusions. (See Attach. 2.) ENGEO's Report confirmed that the Port's 2009 channel deepening project resulted in "marginal" static stability and "poor" seismic performance with "very large deformations at all seismic levels" on portions of the northern Shoreline. *Id.* at p. 3.) ENGEO thus recommended mitigation "in the form of shoreline excavation, ground improvement, rock dikes, and/or bulkheads[.]" (*Ibid.*

ENGEO's geotechnical study also confirmed that the northern shoreline slopes adjacent to the Tnner Harbor were "marginally stable under current conditions," but "[a]ny new loads from fill placement or buildings within 50 feet of the northern shoreline would likely have an impact on static slope stability." Attach. 2, p. 4; 2014 Alameda Point MTP, p. 38) These calculations predicted "deformations under seismic conditions, ranging from 6-inches to over 3-feet, which are considered seismically 'unstable' under the California Geological Survey presented in Special Publication 117A SP117A)." *Ibid.*) Based on these guidelines, such deformations "may be sufficient to cause serious ground cracking or enough strength loss to result in continuing (post seismic) failure." (*Ibid.*) Tn terms of the Alameda Shoreline, these deformations could extend more than 200 to 1,000-feet from the shore at the study area's most eastern points, which border the Project site. (2014 MTP at pp. 39-40.) Accordingly, ENGEO recommended that "strengthening of the shoreline will be needed to reduce potential lateral displacement." (Attach. 2, p. 8.) Ala-57

The City raised these concerns in its comments to the Corps on the draft 2023 EA. (See Attach. 1.) Nevertheless, the Corps summarily dismissed them without any meaningful consideration or further inquiry.[14] See 2023 EA, Appendix A10-1a, p. 30 [Response to Comment No. 23: "The City of Alameda has not provided substantiation for this assertion; therefore, USACE does not accept this claim as fact"]; see also Appendix A10-1b, p. 6 [Response to Comment No. 65: "The City of Alameda and [Bay Ship & Yacht Co.] have not provided substantiation for this assertion; therefore, USACE does not accept this claim as fact"].) Because the Corps did not follow up with the City about these claims, the City provides the Port with supporting studies in **Attachments 2** and **3** to this letter. Ala-58

Unlike the other Tnner Harbor sites (e.g., Howard Terminal or Schnitzer Steel), the 2023 EA's Geotechnical Analysis fails to describe the Project's "Proposed Conditions" or "Design Considerations" for the Project Site. (See 2023 EA, Appx. B2, pp. 26-27; but see *id.* at pp. 13-25.) The City essentially has no way of knowing what the Corps plans to do with Alameda's Shoreline. This presents cause for concern because the DETR relies on the 2023 EA's inadequate Geotechnical Analysis. See DETR, p. 3.7-1 [the geology/soils chapter "relies in part on the Geotechnical Appendix prepared by the USACE for the Oakland Harbor Turning Basins Widening Revised Draft Tntegrated Feasibility Report and Environmental Assessment USACE 2023)"].) Because the 2023 EA and its Geotechnical Appendix inadequately analyzed existing Alameda Shoreline conditions, their deficient analyses taint the adequacy of the DETR's geotechnical analysis and related significance determinations which are not supported by substantial evidence. (Cf. Guidelines, § 15221 [NEPA document must comply with CEQA before ETR can rely on its analyses].) Ala-59

The City is thus, understandably, concerned with the DETR's scant consideration of the Shoreline's existing degraded condition, which has resulted from years of operations and extensive dredging activity in the Tnner Harbor and Estuary Channel. The Project's widening of the Tnner Harbor Turning Basin, particularly at the proposed "Alameda Site," will only further exacerbate the Shoreline's existing instability and destabilized areas. Given this, the City is troubled Ala-60

[14] The Corps' dismissive response contravenes NEPA's emphasis on agency cooperation and coordination. (See *Int'l Snowmobile*, *supra*, 340 F.Supp.2d at p. 1264 [lead agency's responses to cooperating agencies' comments "made no attempts to actually consider the comments," and thus deprived the public of meaningful participation]; *National Parks Conservation Association v. Semonite* (2019) 916 F.3d 1075, 1085-1086 [where agencies "who serve as stewards of the exact resources at issue" raise repeated concerns about a project, the "question is not whether the Corps attempted to resolve the controversy, but whether it succeeded"].)

that the Project proposes only to rebuild the Shoreline's bulkheads to their existing height of five 5) feet, despite the Project's adverse effects and despite sea-level rise being anticipated to topple these structures by 2050. Ala-60

The Port should therefore include an alternative that, as noted above, either entirely avoids Alameda's shoreline or, alternatively, which contemplates re-developing the Shoreline's existing bulkheads to heights higher than 5-feet in order to withstand at least three (3) feet of sea-level rise above 100-year storm tide levels. Given that the DETR recognizes the existing bulkheads' current heights will be inundated by rising sea levels in the near term, reconstructing them to withstand those levels will serve the best interests of both the Port and the City to ensure that the Project site is protected from coastal flooding. The City therefore requests that the height of the bulkheads be increased to at least twelve 12) feet. (See Attach. 2, pp. 8-9 [to strengthen Shoreline stability, ENGEO recommends soil treatment measures and constructing a levee and flood protection system, which "should have a crest 12 feet wide with side slopes of approximately 3:1 (horizontal: vertical)"].) Ala-61

As reflected in the accompanying expert analyses, any major seismic activity will cause the northern Alameda Shoreline to fail due to its existing instability, which, in turn, will cause large areas of the Alameda Shoreline to slough off into the shipping channel. Attach. 2, pp. 3-10; Attach. 3, pp. 5-9.) Tf not mitigated further than the measures proposed in the DETR, the Project will exacerbate the risks to this already degraded environment. See *Kings County Farm Bureau v. City of Hanford* 1990) 221 Cal.App.3d 692, 718-724 [project's contribution to existing degraded baseline conditions impermissibly determined by County to be "de minimis"].) Ala-62

The Port must consider the implications of all changes made to both sides of the Estuary, including the Alameda side. Actions that serve to improve the Port's ability to "efficiently" move very large ships must also consider the impacts to the City's ability to safely protect a National Register Historic District and waterfront public spaces from sea-level rise. The City's ability to achieve these goals cannot be undermined by the Port's improvement efforts. Tnstead, any Tnner Harbor improvement projects must ensure that all negative impacts associated with exposing local Alamedans to seismic instability are mitigated and that any impacts to the City's ability to construct planned public waterfront open spaces are addressed. Ala-63

B. The DEIR improperly defers analysis of, and mitigation for, known geological risks to Alameda's already-fragile and destabilized shoreline.

As established above, decades of prior dredging activities in the Tnner Harbor have rendered the Alameda Shoreline geologically unstable. The DETR acknowledges this fact. (See, e.g., DETR, p. 3.10-7 ["The -50-Foot Oakland Harbor Navigation Project (-50-Foot Project) previously removed a corner of the same Alameda property [as that which will be removed by the Project] to expand the THTB to its current dimension"]; *id.* at p. 2-9 ["Since the completion of the -50-Foot Project, routine dredging (removal of material from the bottom of the Bay or channel) has been conducted to maintain the authorized depth of -50 feet MLLW"]. The Project's proposal to excavate and convert to open water a portion of the Alameda Site will only further exacerbate its vulnerability to seismic-related failure. (*Id.* at p. 2-27.) Ala-64 Ala-65

Despite recognizing that "[e]xisting information and studies are available for the Proposed Project area, including site-specific data regarding soil composition and depths to different geologic layers," the DETR fails to incorporate, much less explain, *any* of these studies and how the area is susceptible to geologic hazards. (DETR, p. 3.7-7. Tnstead, the DETR troublingly defers consideration of these studies and the Project's potential impacts by stating that a "site-specific geotechnical investigation would be performed to inform the design.features and construction measures that would minimize risk to structures and people due to seismic shaking and seismic related ground failure, including liquefaction." (*Id.* at pp. 3.7-8-3.7-10.) Ala-66

The DETR then summarily concludes, without any supportive evidence, that "[f]uture maintenance dredging of the widened areas of the turning basins would be confined to the removal of sediment accumulated since the last dredging event and would not result in increased risk of seismic-related hazards," "landslide, lateral spreading, subsidence, liquefaction, or collapse," or "adverse effects related to expansive soils." *Id.* at pp. 3.7-9-3.7-10.) Absent preparation of the site-specific geotechnical investigation now, for incorporation into the Final ETR or a revised and recirculated Ala-67

DETR chapter depending on the conclusions of the study), the DETR lacks substantial evidence supporting its conclusions of significance on this issue. The DETR also impermissibly defers the incorporation of all feasible mitigation. Ala-67

A legally adequate ETR must include, among other things, a detailed statement that sets forth all significant environmental effects of a proposed project and mitigation measures to minimize those effects. Pub. Resources Code, § 21100; Guidelines, § 15126.) For each significant effect, the ETR must include enough relevant information that enables the reader to evaluate the significance of each impact and the efficacy of or reasons for selecting each proposed mitigation measure. *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 653-654.) Because mitigation measures are designed to reduce or lessen the significance of corresponding impacts, an ETR cannot "incorporat[e] [any] proposed mitigation measures into its description of the project and then conclud[e] that any potential impacts from the project will be less than significant." (*Id.* at pp. 655-656.)

Here, the DETR "disregards the requirements of CEQA" by "compressing the analysis of impacts and mitigation measures into a single issue." *Lotus*, *supra*, 223 Cal.App.4th at p. 656.) The City is troubled that the DETR fails to actually impose the acquisition, completion, and implementation of the aforementioned "geotechnical investigation" as an enforceable mitigation measure. (DETR, pp. 3.7-9-3.7-10.) Tnstead, the DETR simply incorporates the future report's unknown suggestions into its impact analysis to prematurely assume that significant seismic impacts will be less than significant. *Ibid.* By combining this analysis, the DETR fails to evaluate any significant impacts or identify any proposed mitigation measures, thereby rendering it impossible to determine whether additional or more effective measures are required. *Lotus*, *supra*, 223 Cal.App.4th at p. 656.) "Simply stating that there will be no significant impacts because the project incorporates 'special construction techniques' is not adequate or permissible." (*Ibid.* Ala-68

The City is similarly concerned that, in combining its geologic impact *and* mitigation analysis, the DETR not only defers mitigation but fails to commit itself to any concrete course of mitigating action. CEQA Guidelines section 15126.4, subdivision a)(1)(B), permits a lead agency to develop the specific details of a mitigation measure after project approval only when it is impractical or infeasible to include those details in the ETR and *only if* the lead agency: (1) commits itself to the mitigation; 2) adopts specific performance standards that the mitigation measure will achieve; and (3) identifies the types of potential actions that can feasibly achieve that performance standard. (Guidelines § 15126.4, subd. a)(1)(B); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94 [deferral of mitigation only appropriate when mitigation is known to be feasible and the agency "commit[s] itself" to measures that will "satisfy specific performance criteria articulated at the time of project approval"].) A lead agency "goes too far when it simply requires a project applicant to obtain a report and then comply with any recommendations that may be made in the report." *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793 *EHL*); cf. *id.* at p. 796 [deferral of mitigation is only permissible if an ETR "commits to it and lists standards to be incorporated in the mitigation plan"].) Ala-69

Such is the case here. By analyzing this "geotechnical investigation" as a Project *feature* instead of as a *mitigation measure*, the investigation and its presumed mitigating effects "are not enforceable and are therefore not compliant with CEQA." *Lotus*, *supra*, 223 Cal.App.4th at p. 657.) As a result, the DETR fails to "articulate specific performance criteria and make further approvals contingent on finding a way to meet them." (*EHL*, *supra*, 131 Cal.App.4th at p. 793; Guidelines, § 15126.4, subd. (a)(2) [mitigation measures must be "fully enforceable through permit conditions, agreements, or other legally-binding instruments"].)

The DETR repeats this practice with other impacted resources that implicate the Alameda Shoreline. For example, the DETR concedes that "[w]idening the THTB would inherently alter drainage patterns by converting upland impermeable surfaces into open water. There may also be minor, permanent alterations to drainage patterns at.the Alameda Site as a result of THTB widening including conversion of uplands to open water." (DETR, p. 3.10-24. Nevertheless, the DETR assumes that NPDES permitting measures will minimize erosion and sedimentation that will result from widening. *Id.* at p. 3.10-25. As with the aforementioned geotechnical investigation, the DETR fails to actually commit the Project to obtaining this permit via an enforceable mitigation measure. *Ibid.*) As a result, the Ala-70

City is unable to discern whether mere compliance with this NPDES permit will be sufficient to minimize impacts to the Alameda Shoreline's drainage patterns and comport with the City's related General Plan policies. *Id.* at pp. 3.10-16-3.10-17.) Finally, and as mentioned above, the DETR overlooks the grading and drainage plans that must be submitted for review and approval by the City's Public Works Department before any improvements can be made. (See 2017 Alameda Landing SETR, p. 4-6 [measure HYD-1].) Ala-70 Ala-71

Ultimately, the DETR's "shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. Tt precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficient of measures to mitigate those consequences. The deficiency cannot be considered harmless." *Lotus*, *supra*, 223 Cal.App.4th at p. 658; see *EHL*, *supra*, 131 Cal.App.4th at p. 794 [mitigation measure requiring preparation of future report was inadequate because it did not set out "criteria or alternatives" to be considered-instead, it did "no more than require a report [to] be prepared and followed [and] allow approval by a[n] [agency] department without setting any standards"].) The DETR commits the same missteps under CEQA here by deferring the site-specific geotechnical analysis. Ala-72

C. The DEIR must analyze how the Project will cumulatively impact the Alameda Shoreline's existing instability under both operational and seismic conditions.

For the reasons described above, the DETR lacks sufficient information and detail on how the Project's proposed excavation, dredging, and bulkhead installation activities would cumulatively exacerbate the Alameda Shoreline's already-fragile geologic conditions. As detailed in the 2014 and 2020 MTPs and accompanying expert reports, multiple studies have confirmed that the Shoreline has suffered from years of destabilization, rendering it extra-susceptible to seismic hazards, including liquefaction, settlement, and erosion. See Attach. 2, p. 5 [liquefaction evaluation "results indicate that sand and silty sand fill material and native deposits are potentially liquefiable down to 40 feet below existing grades.[T]he potentially liquefiable soil could settle as much as 11 inches. Lateral spreading along the northern shoreline is likely following a design level earthquake"].) Ala-73

The Project's earth-disturbing activities will inevitably exacerbate this ongoing degradation, but the DETR provides little to no substantial evidence that these impacts will be less-than-significant. (See, e.g., DETR, p. 3.10-25 ["There may be minor, permanent alterations to upland drainage patterns at.the Alameda Site associated with upland excavation and reconfiguration at the facility shorelines e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters)"].) Even more troubling, the 2023 EA on which the DETR relies) indicates that "[g]eophysical and bathymetric surveys of the cove between Schnitzer Steel and Howard Terminal are planned during the Feasibility Study," but makes no mention of whether analogous studies will be performed for the Alameda Site's Shoreline. (2023 EA, pp. 25, 27.) Ala-74

Accordingly, the DETR must be revised to analyze the Project's potential impacts to the Alameda Shoreline, including earthquake-induced liquefaction and increased soil destabilization that would inevitably be caused or worsened by the Project's proposed dredging, excavation, and construction activities. Tn doing so, and as the 2023 EA recommends for the other Project sites, the DETR should incorporate a site-specific geotechnical analysis that presents further detail and analysis for each ground stability hazard that currently exists at the Project site, and then identify-in detail-the requisite steps and mitigation measures needed to address all aspects of those hazards. (See 2023 EA, pp. 25, 27.) Ala-75

The City directs the Port to the "Geology, Soils, and Paleontological Resources" Analysis, Geotechnical Appendix, and Mitigation Monitoring and Reporting Program (MMRP) prepared for the Oakland Athletics' Waterfront Ballpark District at Howard Terminal's ETR, which concerns the same geographic footprint, geological conditions, impacts, and concerns as those related to the Proposed Project: Ala-76

- Howard Terminal Waterfront Ballpark Draft ETR, Chapter 4.6, *Geology, Soils, and Paleontological Resources* (February 2021 : https://cao-94612.s3.us-west-2.amazonaws.com/documents/Chapter-4.6-Geology-Soils-Paleontological-Resources.pdf
- Howard Terminal Waterfront Ballpark Draft ETR, Appendix GEO, *Preliminary Geotechnical Conditions Report* (April 2019): https://cao-94612.s3.us-west-2.amazonaws.com/documents/App_09-Appendix-GEO.pdf
- Howard Terminal Waterfront Ballpark Final ETR, Appendix MMRP, *Mitigation Monitoring and Reporting Program* (December 2021) [see pp. 45-47]: https://cao-94612.s3.us-west-2.amazonaws.com/documents/App_02-Appendix-MMRP.pdf

Ala-76

Per the examples above, the City encourages the Port to perform an analogous preliminary geotechnical report to adequately evaluate the current state of the Alameda Shoreline, and further revise the DETR to ensure the site-specific final geotechnical report is enforced as binding mitigation.

The City also requests that the DETR incorporate the cited findings from the Alameda Landing Master Development Plan and SETR and the Alameda Point MTPs into its revised analysis. As indicated above, the 2017 Alameda Landing SETR and MMRP contain at least four mitigation measures designed to reduce geologic and seismic hazard impacts, including preparation of a site-specific geotechnical report that identifies building techniques based on criteria that are unique to the Alameda Site, for review and approval by the Alameda Public Works Department. See 2017 Alameda Landing SETR, pp. 4-10-4-11 [measures GEO-1, GEO-2a, GEO-2b, GEO-3b].)

Ala-77

Given that the 2014 MTP explains how "strengthening of the shoreline will be necessary in these [shoreline] areas to reduce the loss or damage of these facilities in a seismic event," coupled with the Project's potential to significantly worsen the existing degraded levee and shoreline environment, the City recommends incorporating the 2014 MTP's suggested measures for mitigating geologic hazards. (2014 Alameda Point MTP, p. 40.) For example, such measures include, but are not limited to:

- Ground improvements through soil/cement mixing;
- Shoreline improvements such as levee and flood protection systems or deep bulkhead walls;
- Deep dynamic compaction, rapid impact compaction, vibratory replacement, and/or soil/cement mixing to mitigate the effects of potential liquefaction (which could occur at depths of 40 feet below existing grades along the shoreline).

Id. at pp. 40-41, 43; see also Attach. 2, pp. 5-10 [suggested mitigation for liquefaction, compressible soils, etc.].)

Ala-78

The City reiterates that thorough consideration of the Alameda Shoreline in the DETR is vital so that the City can meaningfully evaluate the potentially grave impacts to its fragile shoreline. The City welcomes any opportunity to collaborate with the Port and the Corps on corrective actions or long-term shoreline adaptation planning to ensure the Alameda Shoreline and neighboring residents are adequately protected from future destabilization.

Ala-79

III. The DEIR's analysis of, and mitigation for, sea-level rise impacts must be revised.

A. The DEIR fails to adequately analyze how the Project will exacerbate sea-level rise impacts to the City of Alameda.

Tn addition to the City's concerns about the Project's potential direct and indirect damage to the Alameda Shoreline, the City is similarly troubled by the DETR's failure to adequately analyze how the Project's impacts to the Alameda Site will exacerbate the risk of sea-level rise-induced flooding.

Ala-80

Under CEQA, an ETR "should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions e.g., *floodplains, coastlines*, wildfire

Ala-81

risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans, addressing such hazards." Guidelines, § 15126.2, subd. (a), emphasis added.) Though an ETR need not analyze the effects of sea-level rise *on* the Project, it must "analyze the potential impact of such hazards on future residents or users" when the "proposed project risks exacerbating those environmental hazards or conditions that already exist[s]." *Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377.) "Tn those specific instances, it is the *project's* impact on the environment-and not the *environment's* impact on the project-that compels an evaluation of how future residents or users could be affected by exacerbated conditions." (*Id.* at pp. 377-378, original emphasis.)

Ala-81

The City is troubled that the DETR overlooks several key sea-level rise predictions that implicate the Alameda Shoreline. Though the DETR notes that Alameda's 2022 Climate Adaption and Hazard Mitigation Plan Alameda CAHMP)[15] "provides a description of potential sea-level rise impacts to Alameda Tsland," the DETR fails to meaningfully consider the Project's consistency with any of the Plan's policies or forecasts. (DETR, p. 3.10-10.) Tnstead, the analysis largely relies on the Port's Sea-Level Rise Assessment, even though the DETR admits that "***Alameda is not included*** in the Port's Sea-Level Rise Assessment inundation maps." (DETR, p. 3.10-10, emphasis added.)

Ala-82

As a result, the DETR overlooks several inundation maps contained in the Alameda CAHMP, which depict flooding reaching nearly 9.4 feet under the 36" Water Level Scenario in and around the expanded THTB turning basin. (Alameda CAHMP, p. 4-23 [Figure 4-12].) Because "elevations in this area can be found as low as 5 ft NAVD88," there is an increased risk that "100-year floodwaters entering along the 1.5 mile stretch of Main Street to the north and 1.6 mile stretch to the south would affect commercial businesses, industrial, residential, and City-owned properties, and federal lands such as the Least Tern nesting habitat on the former airfield tarmac." (*Id.* at p. 4-28.)

Ala-83

Given these threats, the Plan sets forth short- and long-term adaptive management strategies to be implemented in and around the Project Site. (Alameda CAHMP, p. 5-10.) The DETR, however, makes no mention of these. Nevertheless, several adaptive management strategies apply directly to the Project.

For example, within the short-term (<5 years), levee and seawall expansions should be designed and implemented to protect the Alameda Shoreline from a 100-year event, particularly because the area's existing infrastructure needs to be raised/reconstructed. *Ibid.*) Tn the mid-term (5-10 years), the Plan recommends expanding existing levees and seawalls to 13 feet NAVD88 and extending seawalls to the northwest in order to address higher water levels beyond the FEMA 1% annual chance floodplain and longer-term water levels. *Ibid.*; see also Attach. 2, pp. 8-9 [levee and flood protection system recommendations].)

Ala-84

The City implements these policies by requiring new developments to provide adequate setbacks along waterfront areas for the future expansion of seawalls and levees to adapt to sea level rise. (Alameda CAHMP, p. 148.) Similarly, new developments proposed in areas of flood risk must assess those risks and incorporate specific groundwater and sea-level rise mitigation strategies, including design features that mitigate 50 years of the Ocean Protection Council's Medium-High Risk Aversion, high emissions scenario of sea level rise, in addition to a 100-year storm in the initial design. *Id.* at p. 167.) Finally, any such projects must include "funding mechanisms to pay for later adaptation improvements to address future sea level and groundwater increase above that level." (*Ibid.*

Ala-85

[15] Available at: https://www.alamedaca.gov/files/assets/public/v/13/city-manager/documents/adaptation-and-mitigation-plan/alameda-climate-adaptatin-and-hazard-mitigation-plan_june-2022.pdf (Tncorporated by reference and cited to herein as "Alameda CAHMP"); see also Appendix F - Detailed Flood and Sea Level Rise Risk Assessment, available at: https://www.alamedaca.gov/files/assets/public/v/4/city-manager/documents/adaptation-and-mitigation-plan/appendix-f_detailed-flood-and-sea-level-rise-risk-assessment_june-2022.pdf (Tncorporated by reference and cited to herein as "Alameda CAHMP, Appx. F").

The Alameda Point MTPs further implement these goals by requiring that developments be designed to address 24-inches of sea-level rise and beyond via adaptive management strategies. *Ibid.*) For example, the 2014 Alameda Point MTP advised that "flood protection measures shall be constructed with built-in protection against 24-inches of sea-level rise. The 24-inches of sea level rise protection shall be in addition (added to) to other flood protection criteria, including the 100-year tidal elevation and wave/wind run-up. 24-inches is within the ranges of sea-level rise predicted by [the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT] and [the Tntergovernmental Panel on Climate Change (TPCC)] to occur by the end of the century." (2014 Alameda Point MTP, p. 21.) Ala-86

The 2014 MTP also suggests large developments in this area should "commit to building a comprehensive levee system surrounding the subject area as an initial phase improvement." *Id.* at p. 47.) Either way, the MTP is clear that flood protection measures and systems must be approved by the City's Public Works Director so that the City can ensure those measures are designed to incorporate 24 inches of sea-level rise protection. (*Ibid.*

Because this significant information was omitted from the DETR, the document's "less-than-significant" impact determination is not adequately supported by substantial evidence. As a result, the City is unable to adequately ascertain the extent to which constructing and expanding the THTB will further expose this portion of Alameda's Shoreline to increased flooding and exacerbated sea-level rise risks. As stated below, further study is required. Ala-87

The City requests that the Port revise the DETR to incorporate a thoughtful analysis of these impacts, particularly as they relate to the Alameda Site and Alameda Shoreline. The City asks that the Port revise the DETR to meaningfully analyze the Project's consistency with the Alameda CAHMP and the Alameda MTPs, and explain whether additional sea-level rise planning or mitigation may be required.

The City also implores the Port to ensure the Project is consistent with Plan Bay Area 2050's (PBA 2050) strategies and mitigation policies.[16] For example, the Plan's primary environmental strategy is: "*EN1. Adapt to sea level rise.* Protect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions and providing additional support to vulnerable populations." PBA 2050, pp. x, 107, original emphasis.) Based on the *State of California Sea-Level Rise Guidance 2018 Update*[17], the Plan "assumes 2 feet of sea level rise by 2050," and recommends investing in sea level rise adaptation and resilience measures in vulnerable areas, including Alameda. *Id.* at pp. 97, 100 [Map 5-2: Sea Level Rise Resilience Tnvestments].) As such, the revised DETR should also consider re-analyze impacts using the State's guidance to determine whether resilience measures can be implemented as features of the Project. Ala-88

B. The DEIR must be recirculated to include an alternative designed to reduce the imminent effects of sea-level rise to the Alameda Shoreline.

The DETR acknowledges that the Alameda Site is within a coastal flood hazard area, and that 4 feet of sea-level rise will occur by 2050, while 9 feet of sea-level rise will occur in the western half of Alameda by 2100. (DETR, pp. 3.10-7, 3.10-10; see also Alameda CAHMP, Appx. F, p. F-14 [Alameda Point shoreline is within or adjacent to 100-year VE Flood Zone with wave heights greater than or equal to 3 feet].) Nevertheless, after dredging and widening activities are completed, the Project will only rebuild the bulkheads that protect the Alameda Shoreline to *existing* Ala-89

[16] The final draft of Plan Bay Area 2050, as adopted on October 21, 2021, is available at: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. (Tncorporated by reference and cited to herein as "PBA 2050"). The Plan's Mitigation Monitoring and Reporting Program is available at: https://www.planbayarea.org/sites/default/files/documents/Plan-Bay-Area-2050-MMRP-October-2021.pdf. (Tncorporated by reference and cited to herein as "PBA 2050 MMRP").

[17] Available online at: https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Ttem3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf. (Tncorporated by reference and cited to herein as "2018 State Sea-Level Rise Guidance").

heights-i.e., approximately 5 feet tall. *Id.* at p. 3.7-8 ["The proposed new bulkheads.for.the Alameda Site are similar to that constructed at the Alameda Site as part of the -50-Foot Project, and rock slope protection would be placed in front of the new bulkheads, similar to existing conditions at the Alameda Site"]; see *id.* at pp. 3.7-9-3.7-10.) Ala-89

The Corps' 2023 EA also acknowledges the threat of sea-level rise. The 2023 EA explains that, while sea-level rise may reduce the need to conduct channel maintenance, "risks from sea-level change on the Port's operability could occur if land side facilities and bulkhead elevations are exceeded due to extreme water levels such as king tides and as a result of increased sedimentation due to rainfall runoff and wildfire activity." 2023 EA, pp. 113-114.) The Corps' relative sea-level predictions in Alameda also reflect rapidly upward trends. *Id.* at pp. 114-115 [Fig. 26: Relative Sea Level Trend, Alameda, CA (NOAA Gage - 9414750); Table 26: Predicted Relative Sea Level Change Alameda, CA (NOAA Gage - 9414750); Fig. 27: Relative Sea Level Rise Projections, Alameda, CA (NOAA Gage - 9414750)].) Ala-90

As the DETR's and 2023 EA's numbers evince, these existing (and new) bulkheads will not be tall enough to withstand anticipated sea-level rise. Alameda's planning documents confirm this. For example, the Alameda CAHMP found that, despite the presence of a seawall and bulkheads, "the shorelines in these locations are still shown as coastal flood entry points on the FEMA FTRMs because the seawalls were not originally built to FEMA accreditation standards. This means that although they are currently in operation for flood prevention, FEMA does not consider them as barriers to the 100-year flood event and did not consider them when preparing the FTRMS." Alameda CAHMP, Appx. F, p. F-17.) The 2020 Alameda Point MTP similarly requires new construction along the shoreline to raise existing headwalls to at least 8.9 feet, and to participate in ongoing frontage improvements as part of the City's regional shoreline protection program. 2020 Alameda Point MTP, p. 8 [Table 5: Site Grading Design Criteria]; *id.* at p. 11.) Ala-91

Because the DETR and 2023 EA acknowledge these existing and new shoreline protection structures will inevitably be breached in less than 25 years, the City requests that the DETR include an additional Project alternative or mitigation measure that, at a minimum, reconstructs the Alameda Site's bulkheads to at least 12 feet in height so that they can withstand rising sea-levels. (See Attach. 2, p. 9 [recommending 12-foot wide levee embankment].) This, in turn, will help the City and the Port avoid having to reconstruct the new seawalls in the near term, and can ensure that all interests are protected from inevitable inundation and flooding. Ala-92

IV. The DEIR's individual and cumulative impact analyses must be revised to comply with CEQA.

A. CEQA requires the DEIR to include consideration of all reasonably foreseeable consequences of the Project.

As a preliminary matter, the City shares the concerns expressed by the California Air Resources Board (CARB) and Bay Area Air Quality Management District BAAQMD) regarding the reasonably foreseeable consequences of the Project which are not considered in the DETR's impacts analysis; namely, that the Project will increase waterside operational efficiencies by improving vessel turnaround time (VTT), resulting in future foreseeable increases in the type(s) and number(s) of vessels able to be accommodated at the Port. See DETR, p. 2-22 [claiming that "[a]lthough the Proposed Project would increase efficiencies in *waterside* operations, it does not expand or create new *landside* cargo handling facilities at the Port and would not increase cargo throughput" (emphasis added)].)[18] Ala-93

[18] See California Air Resources Board's Comments on Draft Tntegrated Feasibility Report, Environmental Assessment, and Finding of No Significant Tmpact for the Oakland Harbor Turning Basins Widening Navigations Study, June 14, 2023, available at: https://ww2.arb.ca.gov/sites/default/files/2023-06/CARB%20Comments%20-%20Oakland%20Harbor%20Turning%20Basins%20Widening%20Project%20EA.pdf.

Tt is, therefore, reasonably foreseeable that, with the Project, the Port will be able to handle more vessel movements in port per day and improve its competitive advantage when compared to other ports in the region.[19] (See, e.g., 2023 EA, p. 143 ["These improvements will allow vessels to operate within the Oakland Harbor more efficiently and *allow large vessels to call* ***more frequently***" (emphases added)]; *id.* at p. 245 ["These inefficiencies and operational limitations continue and increase in the future *as a larger share of the cargo shifts to the larger vessel fleet, and* ***these vessels call Oakland more often***" (emphases added)].)

Ala-93

While improved VTT may have benefits such as reducing congestion and increasing competitiveness, CEQA requires that the "whole of the action" be considered in an ETR. (Guidelines, § 15378, subd. (a); see *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222-1232.) Here, that includes assuming an estimated number of additional *waterside* vessel types and numbers to be accommodated in the future at the Port along with their anticipated direct and indirect impacts to air quality and health risks, for example. Otherwise, why pursue the Project if not to achieve improved VTT and the ability to accommodate additional vessels, including of the PPX2-4 types?

Ala-94

B. The DEIR's cumulative impacts analysis must be revised to include consideration and analysis of entitled projects in Alameda that will share the same construction timeline as the Project.

The DETR's cumulative impacts analysis omits several entitled projects[20] within the vicinity of the Alameda Site that the City anticipates will share the same construction timeline as the Project. Many of these projects include crucial housing developments that are part of the City's long-term development vision for the Alameda Point and Alameda Landing master development plans located along the Alameda Shoreline. Entitled projects whose development will coincide with Project construction include:

- Admirals Cove (250 Mosley Avenue) - 227-unit multifamily supportive housing development
- North Housing, Habitat for Humanity 300 Mosley Avenue) - 68-unit multifamily supportive and affordable housing development
- Alameda Point RESHAP Main Street/West Midway Avenue) - 309-unit affordable multifamily housing development (to be constructed with West Midway project)
- Alameda Point West Midway (Main Street/West Midway Avenue) - 22.8-acre development featuring 480 residential units, and 10,000 square feet of commercial and open space (to be constructed with RESHAP project)
- Boatworks Townhomes 2229-2235 Clement Avenue) - 9.48-acre residential development with 182 townhomes and park space
- Former Penzoil Site 2015 Grand Street) -90-townhome and 5-accessory-dwelling-unit residential development
- Alameda Marina 1815 Clement Avenue) - Phase T of the 760-unit multifamily housing development, which will include 182 townhomes, 218 multifamily units, and 153,000 square feet of commercial space

Ala-95

[19] See P. Thomas, Marine Traffic Blog, *Efficient vessel turnaround times make commercial sense – MarineTraffic data sheds light on port and vessel performance to aid commercial and operational decisionmaking*, Mar. 29, 2023, available at: https://www.marinetraffic.com/blog/efficient-vessel-turnaround-times-make-commercial-sense/.

[20] A complete list of projects that are the City is either currently considering or has already entitled can be found online at: https://www.alamedaca.gov/files/assets/public/v/1/departments/alameda/building-planning-transportation/planning/development-forecast-2023.pdf.

Given the potential overlap in construction schedules, the DETR's analysis must be revised to analyze the Project's potential contribution to additional air quality, noise, transportation, greenhouse gas emissions, aesthetic, and other cumulative impacts. Critically, for example, given that construction trucks serving each of these projects must use the City's designated hauling routes, the DETR must analyze how the Project's significant number of construction trucks will contribute to traffic congestion or interfere with emergency access on these roads. (See DETR, p. 4-24 ["Construction of two or more projects that occur at the same time and use the same roads.could cause congestion and interference with emergency access, resulting in a potentially significant cumulative impact"].) Similarly but relatedly, the DETR must analyze the cumulative greenhouse gas, air quality, and noise impacts that this congestion and construction will inevitably create. Based on the result of these revised analyses, the DETR must revise and incorporate additional mitigation measures to ensure the Project does not produce significant unmitigated cumulative impacts. Ala-96

C. The DEIR's analysis of air quality and health risks is flawed.

i. The DEIR's identification of baseline conditions is incomplete and improperly skews the air quality analysis.

The DETR considered an erroneous baseline in analyzing air quality impacts, which renders the entire analysis invalid. CEQA is clear that "[t]he no project alternative analysis is *not* the baseline for determining whether the proposed project's environmental impacts may be significant[.]" Guidelines, § 15126.6, subd. e)(1), italics added.) Projected future conditions also do not define the CEQA baseline. See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 460-463; accord *Association of Irritated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708, 730-731.) Tnstead, the baseline should normally be the environmental setting as it existed at the time the notice of preparation (NOP) was published. (Guidelines, § 15125, subd. a).)

The air quality analysis incorrectly compares potential impacts from the Project against future anticipated operations, which may or may not be realized. (See, e.g., DETR, p. 3.3-39.) The DETR states that this baseline is appropriate "because the vessel fleet will likely change in the future as a result of other economic and global influences to the shipping industry, including growth, efficiency improvements, and vessel emission improvements as well as the physical change to the turning basins." DETR, p. 3.3-39; see also *id.* at p. 3.3-45.) But the California Supreme Court has expressly held, and CEQA is clear, that this is not a sufficient comparison, in large part because improved fleet emission technology and rules are not guaranteed. (See *Neighbors for Smart Rail*, *supra*, 57 Cal.4th at pp. 460-463. The analysis does not provide meaningful information for the public or the decisionmakers, instead understating the significance of future emissions related to the Project. The DETR must be revised to compare the existing conditions at the time of the NOP against the impacts of the Project. (Guidelines, § 15125, subd. a (2) [agency "may use projected future conditions as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public"].) Ala-97

The DETR also omits any discussion of the already pollution-burdened environmental justice community neighboring the Alameda Site that the Corps identified in its 2023 EA. (See 2023 EA, p. 37.) The largely residential community of West Alameda, which is within a half-mile of the Project, has a 72.6% minority population, well above the 50% threshold for an area of environmental justice concern. *Ibid.*) West Alameda also has a low-income population of 20.1%, while the entire County of Alameda has a low-income population of 9.9%, or 10.2% lower. *Ibid.*) This Project's potential effects on this environmental justice community should therefore be meaningfully described and considered in the DETR, and any potential impacts must be mitigated accordingly. Ala-98

ii. The Port must adopt all feasible mitigation measures to avoid or substantially lessen the Project's otherwise significant air quality and health impacts.

Even with a flawed analysis that compares the Project against an erroneous future unsubstantiated baseline, the DETR concludes that *the Project would have significant and unavoidable air quality and health impacts*. Because Project construction would occur within "close proximity" to residences, emissions from construction equipment for landside Ala-99

work would exceed the excess lifetime cancer risk identified by BAAQMD. (DETR, p. 3.3-51.) The Project would therefore conflict with BAAQMD's 2017 Climate Action Plan and the City of Alameda General Plan. (DETR, pp. 3.3-41-3.3-42.)[21] The DETR also concludes that the Project would "result in a cumulatively considerable net increase" of a criteria pollutant because construction of the Project would exceed NO_x emissions thresholds. (DETR, p. 3.3-44. The DETR proposes Mitigation Measure ATR-1, which would require the construction contractor to implement a list of specified construction-related measures, as mitigation for these impacts. (See DETR, pp. 3.3-42-3.3-43.) Ala-99

Even worse, the DETR punts on the "feasibility of using alternatively fueled or electric equipment" as "unknown because it is unknown whether the infrastructure to refuel or recharge this equipment at the construction site would be available. This similarly applies to on-road trucks, which would need similar infrastructure and availability of such trucks. Tt is also unknown at this time whether an investment in such vehicles would be feasible during the short-term project construction period." DETR, p. 3.3-44; see also p. 3.3-55 [deferring mitigation, stating: "[o]ther alternative fuels and hybrid and electric construction equipment will be considered if feasible at the time of the Proposed Project"].) Punting this investigation and analysis, as here, is inadequate under CEQA. See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* 2007) 150 Cal.App.4th 683, 724 [an "ETR also must describe feasible measures that could minimize significant impacts"]; see also Pub. Resources Code, § 21002 ["public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects"].) Ala-100

Tronically, the U.S. Department of Energy identifies several natural gas refueling options in the East Bay, including one at the Port.[22] The Port's own "Seaport Air Quality 2020 and Beyond Plan" also noted (as of 2019) that East Bay Municipal Utilities District (EBMUD) was considering an RNG facility at its West Oakland Treatment Plant. (See pp. C-18, B-32.)[23] Please identify and discuss the feasibility of using zero emissions or RNG/CNG trucks for the landside construction related truck trips and require the use of zero emissions or RNG/CNG trucks where feasible as a condition of future contract(s). Similarly, please do the same for off-road construction equipment, citing to substantial evidence if the mandated use of zero emissions or alternatively fueled trucks and equipment are deemed infeasible. Ala-101

Even with implementation of MM ATR-1-the one air quality mitigation measure included in the DETR-the Project would result in cancer risks and $PM_{2.5}$ concentrations that exceed the significance thresholds. (DETR, pp. 3.3-44, 48-49, 55, 56; see also *id.* at pp. 3.3-56 [Table 3.3-17 Mitigated Construction HRA Cancer Risk Results], 3.3-57 [Table 3.3-19 Mitigation $PM_{2.5}$ Concentration], 3.3-58 [Figure 3.3-10 Mitigated Cancer Risk: Residential], 3.3-60 [Table 3.3-20 Mitigated Construction HRA Cancer Risk Results], 3.3-61.) And, implementing Mitigation Measure ENE-1, which the DETR proposes to mitigate potentially significant energy impacts and "may require the occasional use of diesel dredging during Project construction," would *further increase* these significant health impacts from the Project. (DETR, pp. 3.3-60, 3.3-59 [Figure 3.3-11 Mitigated with Energy Mitigation Cancer Risk: Residential], 3.3-61 [Table 3.3-22 Mitigated with Energy Mitigation $PM_{2.5}$ Concentration].) Ala-102

The Alameda General Plan, in addition to requiring preparation of a Health Risk Assessment, ***requires*** conditioning approval on compliance with mitigation measures that are capable of reducing $PM_{2.5}$ concentrations and cancer risks to below BAAQMD's thresholds. (See DETR, p. 3.3-29.) Tn addition, because the DETR identifies air quality and health impacts as significant, the Port ***must*** consider and adopt all additional feasible mitigation measures under CEQA. *League to Save Lake Tahoe Mountain Preservation Foundation v. County of Placer* (2022) 75 Cal.App.5th Ala-103

[21] We note that the analysis of this impact is entirely lacking in detail and explanation, and must be fully fleshed out in order for the City and others to fully understand this impact.

[22] See U.S. Dept. of Energy, *Natural Gas Fueling Station Locations*, available online at: https://afdc.energy.gov/fuels/natural_gas_locations.html#/find/nearest?fuel=CNG&location=oakland.

[23] See Port of Oakland *Seaport Air Quality 2020 and Beyond Plan*, May 23, 2019, available online at: https://www.portofoakland.com/files/PDF/Volume%20T.pdf.

63, 160.) The City, otherwise, may be precluded from relying on this ETR to issue its discretionary approval(s) for the Project under CEQA. Ala-103

As detailed more fully in **Attachment 4**, the City recommends that the Port revise the current proposed mitigation measures and adopt additional enforceable measures to ensure air quality impacts are mitigated to the greatest extent feasible as required by CEQA. The City's suggested additional measures and proposed revisions are the floor, not the ceiling, and should be implemented through the MMRP, binding conditions of approval, and Project-related contracts and bid specifications. We have partially produced some of those most pertinent suggestions below terms and measures that have been added are represented in underlined text; terms that have been removed are represented with gray ~~stricken~~ text): Ala-104

- **MM AIR-1: Construction Air Quality Mitigation Measures**
    - The Port shall implement the following emission reduction measures and provide documentation to the City of Alameda's Planning Department and Department of Public Works for review and approval prior to the issuance of any building or construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure). The documentation shall include an equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, and protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with this measure. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. Ala-105
    - The Port shall require ~~the~~ all contractors to implement construction-related air quality emission monitoring and reduction measures. All requirements ~~will~~ shall be included as contract conditions in applicable bid documents and specifications, purchase orders, and contracts~~,~~ with the contractors demonstrating the ability to implement all air-quality mitigation techniques and supply the compliant on- or off- road construction equipment for use prior to any ground- disturbing and construction activities. The documentation submitted to the City shall also contain a Certification Statement signed by each construction contractor agreeing to comply fully with the measures and acknowledging that failure to comply with the measures shall constitute a material breach of contract. Ala-106
    - The Port shall implement all of the following measures during construction of the Project ~~are~~ as follows:
        - a. Require all diesel-fueled off-road construction equipment used on land to be equipped with United States Environmental Protection Agency Tier 4 final compliant engines or better, as certified by the California Air Resources Board (CARB), as a condition of contract and as agreed to in the Certification Statement. All equipment shall be properly maintained and tuned in accordance with manufacturer specifications, and shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations "California Air Resources Board Off-Road Diesel Regulations" Upon request by the City and the Air District, if requested), the Port shall provide written documentation that fleet requirements have been meet. An exception to the requirement for engines that meet Tier 4 Final emission standards may be granted if ~~unless~~ a unique piece of equipment is not available as a Tier 4 engine. To qualify for an exception, the Port shall provide the City with evidence supporting its conclusion that equipment meeting the Tier 4 standards is not available and shall use the next cleanest piece of off-road equipment. Ala-107
        - b. Use zero-emission and hybrid-powered equipment, to the greatest extent possible. The performance criterion for meeting this standard assumes availability by at least two commercial rental facilities in the San Francisco Bay Area Air Basin, to the greatest extent possible. This requirement shall include the use of zero-emission dredges, consistent Boar of Commissioner Resolution 21-61. To the extent this equipment is not available, all alternate options shall be equipped with the Best Available Control Technology for emission reductions and that meet CARB's most recent certification standards. Portable equipment shall be powered by grid electricity if available. Tf grid electricity is not available, propane or natural gas generators shall

be used. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

- c. Require all on-road heavy-duty trucks to utilize either Zero Emissions Technology or RNG/CNG diesel fuel alternatives. To the extent Zero Emissions Technology is not available when Project construction begins and does not later become available during Project construction, all on-road heavy duty-trucks shall utilize diesel fuel alternatives, such as RNG/CNG that conform to the California Air Resources Board's most stringent fuel efficiency and emissions standards as a condition of their contract. This currently means a 2015 model year or newer truck.
- d. ~~Minimize~~ Tdling time shall be avoided or minimized to the greatest extent feasible, either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations "California Air Resources Board Off-Road Diesel Regulations"). Provide clear signage that posts this requirement for workers at the entrances to the site. The Port ~~will~~ shall conduct random monthly surveys to check for compliance with idling times to ensure compliance with this measure.
- e. Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment shall be checked by a certified mechanic in accordance with manufacturer's specifications and determined to be running in proper condition prior to operation. Equipment check documentation shall be kept at the construction site and be available for review by the City, Port, and Air District as needed.
- f. All exposed surfaces e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads shall be watered at least two times per day. Watering should be sufficient to prevent airborne dust from leaving the site. Tncreased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever feasible.
- g. All haul trucks transporting soil, sand, or other loose material off site shall be covered and shall maintain at least two feet of freeboard i.e., the minimum required space between the top of the load and the top of the trailer). Ala-107
- h. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or other suitable practices to remove dirt from tire mechanisms shall be employed to minimize occurrences of track-out. The use of dry power sweeping is prohibited.
- i. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- j. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- k. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph in a given hour.
- l. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- m. Unpaved roads providing access to sites 100 feet or further from a paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- n. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the City of Oakland or the City of Alameda's Code Enforcement units and the BAAQMD ~~lead agency~~ regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be posted on a publicly visible sign to ensure compliance with applicable regulations.
- o. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- p. Tnstall wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

- q. Plant and maintain vegetative ground cover e.g., non-toxic fast-germinating native grass seed) in disturbed areas as soon as possible and water the ground cover appropriately until vegetation is established.
- r. Tnstall sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- s. Minimize the amount of excavated material or waste materials stored at the site.
- t. Apply hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are expected to be inactive for at least 10 calendar days. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.)
- u. Demolition and disposal of building materials shall be conducted in accordance with the procedures specified by BAAQMD Regulation 11, Rule 2 Hazardous Materials - Asbestos Demolition, Renovation, and Manufacturing) and shall be adhered to during the demolition and construction process.

Ala-107

- **MM AIR-2: Air Quality Monitoring and Reporting**
  - The Port shall install and maintain air monitoring stations in and around the expanded turning basin area, particularly at the Alameda Site's sensitive receptors and residences e.g., all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue that border the Project site. These stations should regularly collect air quality data to ensure pollutants to not exceed the City's thresholds of significance. The Port shall compile and report these findings to the City of Alameda Planning Department and Department of Public Works on a quarterly basis.

Ala-108

  - During Project operations, the Port shall ensure that dock doors, loading zones, and other on-site operations are located furthest from sensitive receptors, including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue.

Ala-109

D. The Port must adopt all feasible measures to mitigate the significant adverse noise impacts of the Project both on and off-site.

The Project sits only 500 feet from existing and planned single- and multi-family residences in the City of Alameda. (See DETR, p. 2-5.) Construction of the Proposed Project will take at least 2 ½ years DETR, p. 2-28), would require the use of heavy equipment during demolition activities, landside excavation, pile removing, pile driving, and dredging, all of which create significant noise. DETR, p. 3.12-28.) Existing average nighttime noise levels already meet or exceed 50 dBA at all four City receptor locations. (DETR, pp. 3.12-33-3.12-34.) The DETR includes only three mitigation measures to avoid or substantially reduce the significant noise impacts of the Project. As recommended below and in Attachment 4, the City requests that the Port incorporate additional feasible mitigation measures as required by CEQA.

Ala-110

As a preliminary matter, the 2023 EA and the DETR's noise analysis omits the neighboring Cardinal Point Retirement Home 2431 Mariner Square Drive), the Barnhill Marina floating residences 2394 Mariner Square Drive), and the Alameda Housing Authority's supportive housing development at Tri Pointe Homes (421 Singleton Avenue), even though these properties are well-established sensitive receptors that border the eastern and southern edges of the Project's proposed Alameda Site.[24] The DETR and its accompanying noise analysis must therefore be revised to

Ala-111

[24] For example, given its proximity to the Turning Basin, the Oakland Waterfront Ballpark District at Howard Terminal ETR included the Cardinal Point Retirement Home in its baseline analysis for short-term noise and vibration impacts. Those analyses and conclusions are available at: https://s3-us-west-1.amazonaws.com/waterfrontballparkdistrict.com/04.%20DETR/AR%200001514-%20AR%200001591.pdf.

include these properties as a nearby sensitive receptors, along with all residences located along Main Street, Barbers Point Road, Mosely Avenue, Singleton Avenue, and Mitchell Avenue. Ala-111

Tt is not immaterial that construction related truck trips associated with the proposed land removal of nearly 2 million cubic yards of dredged material over the course of 2 ½ years will cause significant noise impacts to City residents and businesses located along the designated haul routes, including Main Street. (See DETR, p. 3.12-37, Table 3.12-15; see also Table 3.14-4 [Construction Traffic Estimated Maximum Average Daily Traffic by Trip Types]. Specifically, the DETR's Project Description identifies 262 round trips (524 one-way trips (DETR, p. 2-38), whereas the Transportation Chapter identifies 380 "dump truck" trips from Alameda DETR, p. 3.14-25 [Table 3.14-4].) Please explain this discrepancy. Ala-112

Tn some locations and segments, the City will realize a minimum 12% increase in existing average daily traffic ADT). (DETR, p. 3.14-27 [Table 3.14-6].) At the Alameda Site, for example, construction ADT would exceed 100 approximately 40 weeks during the 20-month construction period. DETR, p. 3.14-28.) That is not insignificant given the relatively small geographical area of the City. Ala-113

Although the DETR identifies significant construction noise impacts, including nighttime noise impacts at residences on Mosley Avenue and the Landing at Bay 37 (intermittently for over 4 weeks), and daytime impacts at residences at Mitchell Avenue, Mosley Avenue, Barbers Point, and Landing at Bay 37, the mitigation imposed is scant. (DETR, pp. 3.12-30-3.12-31 [Table 3.12-14].) MM NOT-1B, for example, would require erection of a temporary noise barrier to address nighttime impacts to Mosley Avenue residences. (DETR, p. 3.12-35. There is no guarantee, however, that the 12-foot noise barrier required by MM NOT-1B would reduce the identified impacts to Mosley Avenue residences to less than significant levels. Ala-114

The DETR also identifies that nighttime noise impacts at Landing at Bay 37 would be <u>significant and unavoidable</u>, but does not identify or consider *any* mitigation for this impact due to alleged "line-of-sight" and aesthetic impacts. The Port should therefore consider avoiding nighttime construction that would result in significant direct or cumulative noise levels to sensitive receptors or offer to temporarily relocate nearby sensitive receptors into a hotel or other accommodations when interior noise levels are expected to meet or exceed 45 dBA. (See, e.g., Attach. 4 [proposed MM NOT-1H].) Ala-115

CEQA requires the Port to consider and implement all feasible mitigation measures and to reduce significant impacts to less than significant levels. See *League to Save Lake Tahoe, supra*, 75 Cal.App.5th at p. 160. Given this, and as set forth in Attachment 4, the City requests that the Port revise the DETR's existing noise mitigation measures so that they contain *enforceable* language that commits the Port and its construction contractors to a definite course of action. The City also requests that the Port incorporate additional measures that will help further ensure the Project's significant and unavoidable noise impacts are mitigated to the greatest extent feasible. Ala-116

The City proposes the following additions and modifications to the DETR's current mitigation measures, the suggested edits to which are partially reproduced below. A complete version of the City's suggested measures and revisions can be found in Attachment 4 attached hereto (terms and measures that have been added are represented in <u>underlined</u> text; terms that have been removed are represented with ~~gray~~ ~~stricken~~ text):

- **<u>MM NOI-1A: Construction Noise Reduction Plan Required</u>**
    - <u>Prior to the commencement of construction activities, the Port shall retain a qualified acoustical consultant to prepare and propose a Construction Noise Reduction Plan for Alameda City Council review and approval. The Port shall implement the approved Plan during construction and enforce its noise reducing measures, techniques, and requirements through its inclusion on all construction bid specifications for all potential construction contractors hired within and/or for the Oakland Turning Basins Expansion Project.</u>
    - <u>The bid specifications shall require that construction contractors provide an equipment inventory list for all equipment within the fleet with greater than 50 horsepower engines, that includes (at a minimum , make, model, and horsepower of equipment; operating noise levels at 50 feet, available noise control device that are</u> Ala-117

installed on each piece of equipment; and associated noise reduction from the installed technology. Control devices shall include, but are not limited to, high-efficiency mufflers, acoustic dampening and protected internal noise absorption layers to vibrating panels, enclosures, and electric motors. Tn addition, the contractor shall specify how proposed alternative construction procedures will be employed to reduce noise at sensitive receptors compared to other more traditional methods. Examples include, but are not limited to, welding instead of riveting, mixing concrete off-site instead of on-site, use of thermal lance instead of drive motors and bits, and hydraulic pile driving or auger piles instead of impact pile driving. Tn all cases, the requirement is that the best commercially available noise-reducing technology and noise-reducing alternative construction method shall be used, provided that there are no safety concerns, engineering limits, or environmental constraints preventing it from being used.

- The Plan shall specify additional attenuation measures and best practices to further reduce otherwise significant and unavoidable noise generating construction activities (activities generating greater than 45 dBA , including but not limited to a sensitive receptor relocation plan that offers nearly residents with alternative temporary habitation options should construction noise adversely disturb daily quality of life and, particularly, nighttime sleep disturbances.
- The Plan shall also specify additional attenuation measures and best practices to further reduce construction noise impacts to sensitive receptors that reside in the neighboring Barbers Point, Bay 37, Mitchell Avenue, Mosley Avenue, Barnhill Marina houseboats) and Cardinal Point Retirement Home residences, including measures to reduce truck traffic noise as illustrated in revised measure NOT-1D.
- The Plan shall evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts.
- The Plan shall monitor the effectiveness of noise attenuation measures by taking noise measurements and reporting those measurements on a quarterly basis to the City of Alameda City Council.
- Tf a unique circumstance exists that prevents an alternative quieter construction method to be used, the contractor shall provide evidence to support their proposal. The noise reduction elements of construction bid submittals shall be approved by the City of Alameda Planning and Public Works Departments, in coordination with a qualified acoustical professional, and shall be required to comply with the public notification requirements set forth in **MM NOI-1e**.

Ala-117

- **MM NOI-1~~A~~B: Construction and Pile Drive Noise-Reducing Techniques and Muffling Devices**
  - The Port shall prohibit construction activities which would exceed 45 dBA interior noise standards at the closest sensitive receptor(s from occurring during nighttime hours. All daytime construction activities shall adhere to the decibel limitations and time frames provided in the corresponding jurisdiction's local noise ordinance, including the City of Oakland and the City of Alameda's respective noise ordinances.
  - The Port shall require ~~the~~ that all construction contractors ~~to~~ use noise-reducing construction and pile-driving techniques, measures, and equipment ~~if~~ for all construction activities conducted within 1,500 feet of receptors identified in Table 3.12-14 that could be subject to significant construction and pile-driving noise. This requirement shall be enforced through its inclusion on all construction bid specifications for all potential construction contractors hired within the Oakland Turning Basin Expansion Project.
  - Construction contractors shall be required to use the best available noise control techniques for construction equipment, including, but not limited to ~~with~~-state-of-the-art noise shielding and muffling devices, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds.
  - The Port shall ensure that construction contractors implement "quiet" pile driving technology, such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration, where such technologies are acceptable given geotechnical and structural requirements and conditions. For impact hammer driving, these techniques shall include use of cushion blocks during pile installation activities within 1,500 feet of sensitive receptors in Oakland and Alameda. Tmpact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavailable, ~~T~~the impact pile hammer shall be cushioned using a wood cushion block or other material sufficient to obtain an 11 dBA reduction for all impact hammer pile-driving operations.

Ala-118

- The construction equipment staging areas shall be located on the opposite side from sensitive receptors (including all residences in the Barbers Point, Bay 37, Mitchell Avenue, Mosley Avenue, Cardinal Point Retirement Home, Tri Pointe Homes, North Bay, Admirals Cove, and Barnhill Marina residential developments), unless site specific conditions preclude that, in which case the staging area shall be located as far away as possible from the nearest sensitive land use. All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dBA over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. Tn addition to the use of backup alarms, the construction contractor shall consider other techniques such as observers and the scheduling of construction activities such that alarm noise is minimized.
- Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- Tndividual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations.
- When existing and future noise sensitive uses are within close proximity to prolonged construction noise, noise attenuating buffers such as structures, truck trailers, temporary noise curtains or sound walls, or soil piles shall be located between noise sources and the receptor to shield sensitive receptors from construction noise.
- The noise reduction elements of construction bid submittals shall be approved by the City of Alameda Planning and Public Works Departments, in coordination with a qualified acoustical professional, and shall be required to comply with the public notification requirements set forth in **MM NOI-1E**. ~~For all pile-driving activities, at least 14 calendar days prior, the Port, in coordination with USACE, shall notify residents within 1,500 feet of the pile-driving activities of the dates, hours, and expected duration of such activities.~~

Ala-118

- **MM NOI-1~~B~~C: Erection of a Temporary Noise Barrier**
  - To address significant daytime and nighttime noise impacts at the Mosley Avenue, Bay 37, Barbers Point, Mitchell Avenue, and Cardinal Point Retirement Home residences in Alameda, the Port shall require contractors, as a condition of contract, to construct a temporary 12-foot noise barrier along the southern edge of the harbor on the Alameda side of the turning basin during nighttime dredging activities at the Alameda Site. The barrier shall be installed at a location approximately 220 feet from the noise source and 380 feet from the nearest receptors. As depicted in **Figure [#]**, the barrier's location would serve as a lateral extension of the existing warehouse structure on the Alameda Site, north of the athletic fields. The barrier shall be of solid construction with no apparent gaps. Barriers are generally constructed with two layers of 0.5-inch-thick plywood with joints staggered , and K-rail or oth[redacted] support; or a limp mass barrier material weighing 2 pounds per square foot. Tf the noise levels prove to be too loud during construction at locations other than sensitive receptors, the location of the noise barrier shall be expanded to include all additional noise-generating portions of the Project.

Ala-119

- **MM NOI-1~~C~~D: Truck Operation Restriction and Roadway Noise Level Reduction in Alameda**
  - As part of the Construction Noise Reduction Plan required by **MM NOI-1A** and Traffic Control Plan required by **MM TRA-1**, prior to any issuance of a construction or building permit, or any noise-generating construction activities, the Port shall develop, in consultation and with the approval of the City of Alameda's Departments of Transportation and Public Works, conditions for all ~~require~~-contractors~~, as a condition of contract, to~~ that will monitor and limit truck trip generation so that no more than 23 truck trips per hour approximately one truck every 3 minutes enter or egress the Alameda Site work area. The Port's consultant shall also submit quarterly monitoring reports to the City's Department of Transportation and Public Works documenting compliance with this limitation. ~~as part of the Project Traffic Control Plan.~~

Ala-120

- To reduce the significant noise levels associated with truck trip generation and traffic on Main Street, and prior to implementation of the Project, the Port shall install a rubberized hot mix asphalt overlay RHMA) or equivalent surface treatment with known noise reducing properties on top of the existing conventional asphalt of Main Street along the segments identified below. The RHMA overlay shall meet the following conditions:
  - A RHMA overlay shall be installed on top of the existing conventional asphalt on the segment of Main Street that extends from West Atlantic Avenue to the Bay Ship and Yacht driveway.
  - The RHMA overlay shall be designed with appropriate thickness and rubber component quantity typically 15 percent by weight of the total blend), such that traffic noise levels are reduced by an average of 4-6 dB noise levels vary depending on travel speeds, meteorological conditions, and pavement quality) as compared to current noise levels.
  - Prior to installation of any RHMA overlay, the Port, in consultation with the City, shall hire a qualified acoustical engineer to review all design parameters to ensure that the RHMA design is adequate, based on most current technology, practices, and availability of products, such that, at a minimum, 4 dB in noise reduction relative to conditions without a RHMA overlay would be achieved.

Ala-120

- **MM NOI-1F: Noise Compliance Liaison**
  - The Port shall submit to the City of Alameda for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction to facilitate and ensure compliance with the City of Alameda's Community Noise Ordinance (Alameda Mun. Code, § 4-10.8; General Plan HS-61).
  - At a minimum, the procedures for tracking and responding to noise complaints shall include, but are not limited to:
    - Designation of an on-site construction complaint and enforcement manager for the Project;
    - A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement unit;
    - Protocols for receiving, responding to, and tracking received complaints; and
    - Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.
    - The telephone number of the Noise Compliance Liaison shall be conspicuously posted at the construction site and shall be provided to the City. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

Ala-121

- **MM NOI-1G: Noise Monitoring Reports**
  - As part of ongoing construction noise monitoring for the project, monthly reports will be prepared and sent to the contractor to be forwarded to Alameda City Planning and Public Works staff no more than two 2 weeks from the end of the noise assessment period being reported. The report will detail hourly L_{eq} noise levels during construction hours and a comparison to the ambient baseline noise measurements conducted prior to construction. Furthermore, extreme noise generating events above 60 dBA will be documented. Attempts will be made to identify the source of any noise, which causes an exceedance of the standards.
  - Since specific noise levels at adjacent noise-sensitive properties will depend on the location of construction activities within the site, bi-weekly site visits shall be conducted in addition to continuous noise monitoring. Additional specific mitigation measures can be developed as needed based on the results of the monitoring throughout the construction of the project to meet the intent of the City of Alameda's criteria.

Ala-122

Lastly, the DETR appears to omit any analysis of cumulative noise impacts from the incremental contribution of construction related truck traffic along the identified haul routes, particularly during peak hours. (DETR, pp. 4-21-4-23; see *Gray v. County of Madera* 2008) 167 Cal.App.4th 1099, 1123 [ETR for mining project failed to adequately analyze project's impact on cumulative noise levels].) This analysis must also be included in the revised ETR.

Ala-123

E. The DEIR Fails to Adequately Analyze and Mitigate Significant Project-Related Greenhouse Gas Emissions.

An ETR's analysis of and mitigation for greenhouse gas (GHG) emissions is particularly important with regard to climate change because existing conditions are such that we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. See *Communities for Better Environment v. Cal. Resources Agency* 2002) 103 Cal.App.4th 98, 120 disapproved of on other grounds) ["the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant"]; see also *Center for Biological Diversity v. National Highway Traffic Safety Admin*. (9th Cir. 2007) 508 F.3d 508, 550 (superseded on other grounds) ["we cannot afford to ignore even modest contributions to global warming" (citation omitted)].) Ala-124

Furthermore, CEQA's central mandate is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay Com. v. Port of Oakland* 2001) 91 Cal.App.4th 1344, 1354, quoting Pub. Resources Code, § 21002). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. (Guidelines, § 15126.4, subd. (a)(l)(A) [discussion of mitigation measure "shall identify mitigation measures for each significant environmental effect identified in the ETR"]; see also *Woodward Park Homeowners Assn., Inc. v. City of Fresno* 2007) 150 Cal.App.4th 683, 724.) Ala-125

Here, the DETR's analysis and less-than-significant impact conclusion for GHG emissions from the Project is flawed and must be revised. First, as explained above, a reasonably foreseeable consequence of the Project is an increase in VTT and, consequently, an increase in the number and types of vessels to be accommodated by the Port in the future. The ETR must consider, at least programmatically, the related increase in air quality and GHG emissions associated with an increase in vessel calls. Tnstead, the GHG analysis reiterates that "the Proposed Project is not expected to increase cargo throughput or change landside operations at the Seaport, and there would be negligible changes in GHG emissions associated with landside operations as a result of the Proposed Project." (DETR, pp. 3.8-15, 3.8-20.) As described above, this is a fatal flaw in the analysis that permeates the entire ETR. See *Neighbors for Smart Rail*, *supra*, 57 Cal.4th at pp. 460-463. The DETR must instead compare existing conditions at the time of the NOP to the foreseeable impacts of the Proposed Project, including an increase in vessel calls due to increased efficiency of VTT. (Guidelines, § 15125, subd. (a).) Ala-126

Second, the DETR lacks a threshold of significance from which to measure the Project's estimated GHG emissions. The City suggests use of a "no net increase" in GHG emissions as a threshold over existing baseline GHG emissions. (Guidelines, § 15064.4, subd. (b)(2).) Although going through the process of establishing a threshold for the Project might be time-consuming and challenging, these are not acceptable reasons to forego the work. The California Supreme Court has made clear that there is "no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency's task may be difficult." *Laurel Heights Improvement Assn. v. Regents of University of California* 1988) 47 Cal.3d 376, 399; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-1112 [CEQA does not allow an analysis to be labeled too "speculative" based on lack of threshold].) Tnstead, the lead agency must "use its best efforts to find out and disclose all that it reasonably can." *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [citation omitted].) Ala-127

Third, the DETR takes credit for a substantial amount of carbon sequestration resulting from "placement of dredged sediment for beneficial use to enhance wetlands," assumed to be at the Montezuma Wetlands Restoration Project in Solano County. (See, e.g., DETR, pp. 2-38, 3.8-17, 3.8-20.) Yet, the DETR also states that "[t]ypically, dredged materials from maintenance dredging are *either* beneficially reused at nearby wetland areas, such as the Montezuma Wetlands Restoration Project on Suisun Bay, *or relocated into the Pacific Ocean (San Francisco Deep Ocean Disposal Site).*" (DETR, p. 3.16-4, emphasis added.) Ala-128

Based on past dredging, how much of the dredged material anticipated from this Project is anticipated to meet the contamination limits for beneficial reuse via the Montezuma Wetlands Restoration Project as opposed to being disposed of in the Deep Ocean Disposal Site? What are the quantified GHG emissions under each scenario? Ala-128

Lastly, MM GHG-1 undermines the DETR's less-than-significant impact conclusion. Tnstead, the DETR should have reached a significant and unavoidable GHG conclusion. (See DETR, p. 3.8-21 [explaining that varied reductions in GHG emissions could result but cannot be quantified at this time because it is unknown specifically which equipment would be available, and by how much the amount of GHG emissions per equipment can be reduced].) The GHG analysis contained in the DETR must be revised, quantified, and substantiated to support the less-than-significant impact conclusion or should, more likely, be revised to find a significant and unavoidable impact. Ala-129

F. The DEIR fails to adequately mitigate construction related transportation impacts to ensure less than significant impacts to City streets and residents.

The Project will introduce significant truck traffic to the City's already-traffic burdened streets. (See, e.g., DETR, p. 3.14-27 [some areas of the City realize an at least 12% increase in existing ADT].) Construction work will necessitate over 25,000 truck trips (i.e., one truck ever three minutes) between the Project's Alameda Site and the Webster Posey Tubes and Park Street Bridge. The proportion of construction and operational trucks as compared to the relatively small geographical area of the City is not immaterial. See, e.g., DETR, p. 3.14-25 [Table 3.14-5 specifies that Project construction at the Alameda Site will create a maximum weekly ADT value of 524, while dredging the Tnner Harbor segments will create an ADT value of 52, and loading/hauling of dredged sediments will create an additional 164 ADT].) Ala-130

The City is ostensibly concerned about how the significant confluence of large trucks will affect the local environment. The DETR fails to assuage this. Tn particular, the DETR relies on an outdated Truck Route Map for the City. (DETR, p. 3.14-8 [citing January 20, 2009 truck route map], 3.14-10 [Fig. 3.14-4].) The City published a new and revised Truck Route Map and Street Classifications Appendix in January 2023-ten months before the DETR was released.[25] Please revise the DETR to reflect this new map and ensure the Project's proposed haul routes and anticipated weekly ADT values conform to it. The ETR's analysis must also be revised accordingly and recirculated if new or substantially more severe impacts are identified which may not be mitigated to less-than-significant. Ala-131

For example, the DETR calculates the typical daily ADT capacity for the Ralph Appezzato Memorial Parkway west of Webster Street as 36,000. DETR, p. 3.14-27 [Table 3.14-6]. But the City's Street Classifications Appendix identifies this portion of the Parkway as a "Neighborhood Connector Street," which has a capacity of up to 18,000 ADT. (2023 Alameda Street Classifications, pp. 3 [Fig. 1], 4 [Neighborhood Connector Street - Traffic Volumes].) Please correct this and any other outstanding discrepancies. The City also notes that students coming from neighborhoods to the south of Ruby Bridges Elementary School will cross the Ralph Appezzato Memorial Parkway truck route, and any children living along the northern waterfront who attempt to walk or bike to school will cross this route, which is where trucks will pass through every three minutes. Thus, 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. The ETR must be revised to identify and analyze these potential safety impacts. Ala-132 Ala-133

[25] Available online at: https://www.alamedaca.gov/files/assets/public/v/5/departments/alameda/transportation/gailtrainingfiles/truck-map_street-classification-appendix_final-2023.pdf. (Tncorporated by reference and referred to herein as "2023 Alameda Truck Route Map"); 2023 City of Alameda Street Classifications available at: https://irp.cdn-website.com/f1731050/files/uploaded/Exhibit%201%20Street%20Classification%20Appendix.pdf. (Tncorporated by reference and referred to herein as "2023 Alameda Street Classifications").

The City has also earmarked these and surrounding thoroughfares for ongoing improvements. Therefore, please also analyze how the Project's significant number of construction and operations-related trucks may cumulatively contribute to, or adversely impact, the City's numerous ongoing transportation capital projects.[26] Many of these improvement projects are in the vicinity of the Project's Alameda Site or intersect with the haul routes proposed in the DETR. Ala-134

The City thus recommends including a mitigation measure that requires a road degradation assessment caused by the Project's anticipated transportation activities during construction and once the widened Turning Basin is operational. The DETR should also explore the feasibility of implementing mitigation fees to address potential road degradation and cover associated maintenance costs. These fees would contribute to the preservation and enhancement of local road infrastructure, while ensuring that the burden on the City's transportation network is appropriately mitigated. Ala-135

Given the significant number of truck trips that the Project will require, the City also implores the Port to consider utilizing a ***marine barge*** across the Estuary to transport and haul dredged or other construction materials, rather than solely relying on truck trips to and from the Alameda Site. (See Attach. 4 [proposed MM TRA-3].) Barge transportation could significantly reduce traffic and safety impacts on local Alameda roads, and alleviate the City's concerns related to road degradation and truck noise, air quality and safety impacts. Ala-136

To this end, the City welcomes an opportunity to discuss with the Port alternative forms of mitigation that could offset the significant amount of anticipated truck traffic that the Project will create within Alameda. Examples include:

- Bicycle and Pedestrian Bridge: To mitigate the Project's significant impacts to the current and proposed pedestrian and bicycle network along Alameda's Shoreline, the Port, in collaboration with the City, would enter into a Memorandum of Understanding (MOU) to facilitate the dedication of an easement on Port property for a bicycle and pedestrian bridge landing in the vicinity of Howard Terminal or nearby, and to provide funding for the analysis, approval, and construction of this bridge, which will connect Alameda and the City of Oakland.

  The recently published *Estuary Crossing Study: Detailed Feasibility and Travel Demand Analysis*[27] demonstrates the potential feasibility of a bridge landing in the vicinity of Howard Terminal at the Port of Oakland or near Jack London Square in the City of Oakland. The City of Alameda has already preserved an easement for this alignment on the Alameda side. This bridge is also specifically identified in and recommended by: the Caltrans District 4 Bicycle Plan; the Alameda County Transportation Commission's 10-Year Capital Tmprovement Plan and Alameda Countywide Active Transportation Plan; the Oakland Downtown Specific Plan; the Oakland Bicycle Plan; the Alameda Transportation Choices Plan; and the Alameda Bicycle Plan. Ala-137

- Water Shuttle: To mitigate the Project's significant impacts to the Alameda Shoreline's automobile, public transit, bicycle, and pedestrian network, the Port, in collaboration with the City, would enter into a Memorandum of Understanding (MOU) to facilitate the development of and provide annual funding for a free public water shuttle that operates between Alameda and the City of Oakland's Jack London Square during the 2 ½ year construction period. Ala-138

[26] Map of projects available online at: https://www.alamedaca.gov/files/assets/public/v/3/departments/alameda/transportation/alameda_transinfrastructure-work-program_2023_final.pdf; see also August 2023 Status Report, available at: https://www.alamedaca.gov/files/assets/public/v/2/departments/alameda/transportation/annual-report/statusreportontransportation_mid-year2023_update_8-24-2023.pdf.

[27] Available online at: https://www.alamedaca.gov/files/content/public/v/278/departments/planning-building-and-transportation/transportation/estuary-crossing-report_20210125.pdf.

Tn addition to these suggested measures and as more fully discussed in Attachment 4, the City also proposes the following revisions and additions to the DETR's current transportation mitigation measures, along with additional measures that will ensure traffic impacts within the City's jurisdiction are mitigated to the greatest extent feasible underlined terms reflect added text; terms that have been removed are represented with ~~gray~~ ~~stricken~~ text):

- **MM TRA-1: Traffic Control Plan**
    - The Port and ~~shall require~~ the construction contractor, as a term of the construction contract, ~~to~~ shall develop a comprehensive construction traffic control plan TCP) that is designed and includes measures to minimize the effects of Project-related construction traffic on overall circulation, including traffic, transit, bicycle, and pedestrian routes, safety, and emergency access, which shall be submitted to the City of Alameda's Transportation, Planning, and Public Works Departments for review and approval prior to the issuance of the first construction-related permit. Ala-139
    - The TCP shall disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the City of Alameda near the Proposed Project Site is maintained to the extent possible, with particular focus on ensuring pedestrian, transit, and bicycle connectivity and access to the Bay and to recreational uses to the extent feasible. The TCP shall supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by the City of Alameda Department of Public Works, the Department of Transportation, or other City departments and agencies. Ala-140
    - The Plan shall be reviewed and approved by the City's Department of Planning, Fire Department, Department of Transportation, Public Works Department, and others as needed. The TCP shall contain measures to minimize potential construction impacts, including measures to comply with all construction-related mitigation measures (including all additional regulatory permit conditions and applicable conditions of approval) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. Ala-141
    - Tn order to minimize site grading, infrastructure and THTB construction impacts on access for nearby residences, institutions, and businesses, the Port shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation), and travel lane closures via a website and/or quarterly construction update meetings with neighbors. Ala-142
    - As part of the TCP, the Port shall provide quarterly updates to the Alameda Planning Department, the Alameda Department of Public Works, and the Alameda City Council confirming that construction contractors have complied and will continue to comply with truck trip limitations. Ala-143
    - Measures in the construction TCP ~~would~~ shall include at minimum the following: Ala-144
        - Site plans for ingress and egress locations showing existing signage/striping, speed limits, locations of proposed temporary traffic controls (e.g., signage, flaggers , and detours (if required , to minimize vehicle, bicycle and pedestrian conflicts and ensure safety for all travelers, particularly during periods of heavy hauling activity;
        - Guidance on the number and size of trucks per day entering and leaving the Project sites;
        - Tdentification of arrival/departure times that would minimize traffic impacts;
        - Location of proposed construction staging areas;
        - Methods for partial/complete street closures (e.g., timing, signage, location, and duration restrictions);
        - Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;
        - Methods for coordinating ~~Encourage~~ passenger vehicle use of alternative routes (to avoid construction traffic);
        - Limitations on construction activities during peak/holiday weekends and special events;

- Tdentification and enforcement of designated truck haul routes. All haul routes and truck circulation patterns shall comply with the City of Alameda's Truck Route Map and associated truck plans. Enforcement ~~may~~ shall include compliance monitoring and reporting by the contractor and the City of Alameda's Department of Transportation and Public Works;
- Advance written notification of neighboring residents, businesses, and other property owners, as well as the Cities of Oakland and Alameda and key stakeholders of any substantial increases in construction traffic e.g., ramping up of hauling activity) and providing a point of contact for residents within 2,000 feet of the Project site and major thorough fares to obtain construction information, have question answered, and convey complaints;
- Maintenance of adequate emergency access at the Project sites and general access for neighboring properties at all times and removing traffic obstructions during emergency evacuation events; ~~and~~
- Designated construction worker parking locations and management plan (e.g., carpool/vanpool programs, and leased parking in remote/off-site parking facilities);
- Monitoring for roadbed damage and timing for completing repairs;
- Coordination with applicants of other projects under construction concurrently along the Alameda Shoreline, including the Bayport/Alameda Landing and Alameda Point areas, to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences if similar signage), and maximize effectiveness of traffic mitigation measures e.g., joint employee alternative transportation programs).
- Monitoring surface streets used for haul routes so that any damage and debris attributable to the truck hauling can be identified and corrected by the Port.

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- The TCP shall be developed such that the following minimum set of performance standards is achieved throughout Project construction. Tt is anticipated that additional performance standards will be developed once details of more Project construction are better known:
  - Construction and hauling trucks shall not idle/stage on Main Street, Mitchell Avenue, and Mosley Avenue.
  - Main Street shall not feature any construction-related closures on peak activity days
  - All construction employees shall park in designated lots owned or leased by the Port.
  - Roadways, sidewalks, crosswalks, and bicycle facilities shall be maintained clear of debris that could otherwise impede travel and impact public safety.
  - Traffic conditions shall be monitored and, when warranted, traffic management is conducted at major intersections, including, but not limited to, Main Street, Mitchell Avenue, and Mosley Avenue.
  - Construction activities in the public-right-of-way shall be considered, including obtaining an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. Tf obstructions impact vehicle or bicycle travel lanes, bus stops, or sidewalks, the Port shall submit a secondary TCP to the City for review and approval prior to obtaining an obstruction permit. The Port shall submit evidence of City approval of the secondary TCP with the application for an obstruction permit. The secondary TCP shall contain a set of comprehensive traffic control measures for auto, truck, transit, bicycle, and pedestrian accommodations or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The secondary TCP shall be in conformance with the City's Truck Route Map, General Plan Mobility Element, Pedestrian and Traffic Control Plan, Active Transportation Plan, Pedestrian Design Guidelines, Bicycle Design Guidelines, and the Port shall implement the approved Plan during construction and coordinate with the City and the Port to adjust, if necessary, to respond to transportation-related issues that arise out of the implementation. Tn addition, the Port shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at their expense within one week of the occurrence of the damage or excessive wear , unless further damage/excessive wear may continue; in such case, repair shall occur

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prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

Ala-145

The City of Alameda appreciates the opportunity to submit comments on the Project and would welcome an opportunity to meet with the Port of Oakland and Army Corps of Engineers to further discuss the City's concerns. Our collaboration and partnership with the Port and the Army Corps is vital and crucial to the success of the greater navigable area; but after thorough review and consideration of the DETR, the City is compelled to take an assertive position in opposing the Project unless the concerns described above are adequately addressed.

Ala-146

Attachments:

1. Letter from City of Alameda to U.S. Army Corps of Engineers re: Draft Tntegrated Feasibility Report and Environmental Assessment for the Oakland Harbor Turning Basins Widening Project, Feb. 14, 2022.
2. *Alameda Point – Infrastructure Planning: Geotechnical Constraints*, prepared by ENGEO, Jan. 30, 2013.
3. Geotechnical Report and Tssues Regarding the Oakland Harbor Turning Basins Widening Draft ETR, prepared by Tony Dover of Ninyo & Moore, Dec. 18, 2023.
4. City of Alameda's Revised and Proposed Mitigation Measures and Monitoring Program for the Oakland Harbor Turning Basin Draft ETR, Dec. 18, 2023.

December 18, 2023 Comment Letter

EXHIBIT A

ATTACHMENT 1

City of A1an1eda California

February 14, 2022

Mr. Eric Jolliffe
U.S. Army Corps of Engineers San Francisco District (USACE}
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102

Subject: Draft Integrated Feasibility Report and National Environmental Policy Act Environmental Assessment as well as a draft Finding of No Significant Impact for the Oakland Harbor Turning Basins Widening Navigation Study in Oakland, California

Dear Mr. Jolliffe:

Thank you for the opportunity to comment on the scope of the draft Integrated Feasibility Report and National Environmental Policy Act Environmental Assessment, as well as a dr;aft Finding 0f No Significant Impact for the Oakland Harbor Turning Basins Widening Navigation Study in Oakland, California. The City of Alameda supports the Port of Oakland's efforts to maintain, modernize and improve the shipping facilities and the turning basin for the benefit of the Region. However, there are a number of issues with the proposal that we would like the Army Corps to address in the feasibility report and environmental assessment:

Ala-147

An Oakland-Alameda Proiect. Throughout your report, this project is described as a project in the City of Oakland, yet over half of the Work is located in the City of Alameda. We respectfully request that you revise your report to reference an "Oakland-Alameda Project" to clarify this fact.

Impacts to Alameda Maritime Use. The City of Alameda has a long history of supporting maritime industry and businesses. Bay Ship and Yacht (BSY) is Alameda's biggest maritime business and provides essential maritime services to maritime businesses, including the U.S. Coast Guard and the San Francisco Water Emergency Transit Agency. Unfortunately, the proposed basin desigh would significantly impact BSY's ability to operate effectively, as a result of the decisioh to shift the turning basin further into the City of Alameda. The negative impacts of the current design result from the Army Corps' decision to minimize loss of land in Oakland by taking twice as much land from Alameda than from Oakland. However, this design removes significantly more land from Alameda and Alameda maritime businesses than it does from Oakland and Oakland maritime businesses. (The preferred alternative takes 5.0 acres of maritime land from Alameda but only 2.5 acres from Oakland.)

Office of the City Manager

2263 Santa Clara Avenue, Room 320
Alameda, California 9450 l
510.747.4700 • rnanager@aJamedaca.gov

This negative impact can be easily rectified by shifting the turn1ng basln further into Oakland. By making the adjustment shown below, the impacts to the two cities will be more equally shared, and the impacts to BSV, a significant regional maritime resource, will be minimized. E'xhibit A below shows the impact to BSY from the proposal.

Shoreline Stability. After the Port of Oakland and the Army Corps of Engineers oompleted the Oakland Harbor Navigation Improvement (-50 foot) projects, Alameda discovered that the resulting steep slope of the channel had destabilized the seismic stability of Alameda's shoreline along the channel. Our studies show that with a major earthquake, the northern shoreline of Alameda Point will fail due to this instability and will result in large areas of the Alameda shoreline slufflng off into the shfppihg channel. Please address these apparent risks 1n the draft Feasibillty and Environmental Analysis and describe how the current project either worsens, or reduces, this threat.

Sea Level Rise. The City of Alameda is preparing for significant increases in sea levels as the result of climate change. Your environmental assessment does not include any discussion of the impact of this project on climate change, or how the proposed design of the project will address the impacts of climate change. The City of Alameda expects the pro}ect to be designed to address **at** least three (3) *feet* of sea level rise above 100 year storm tide level. The San Francisco Bay Conservation and Development Commissfon (BCDC) is probably the best source for those projections. Ala-147

Transportation. The City of Alameda is working with our partners in Oakland .and the region to create better and more environmentally sustainable transportation systems. We are working to build a bicycle pedestrian bridge from West Alameda to Jack London Square (east of the current turning basin and "back up area"), and working with our partners at WETA and others to increase water transit opportunities between Alameda and Oakland (east of the current turning basin and the Jack London Ferry Terminal). It does not appear that the project will negatively impact these efforts, but we would like to have your report confirm that assumption.

Alameda is committed to working with the U.S. Arrny Corps of Engineers San Francisco District and the Port of Oakland to make this project a reality for thte benefit of the entire region. We appreciate your consideration of our concerhs and requests.

Sincerely,

evitt
ty Manager

EJL:mk

cc: Mayor Ezzy Ashcraft and City Council

Attachment: Exhibit a - Impact to Bay Ship and Yacht

Exhibit A:

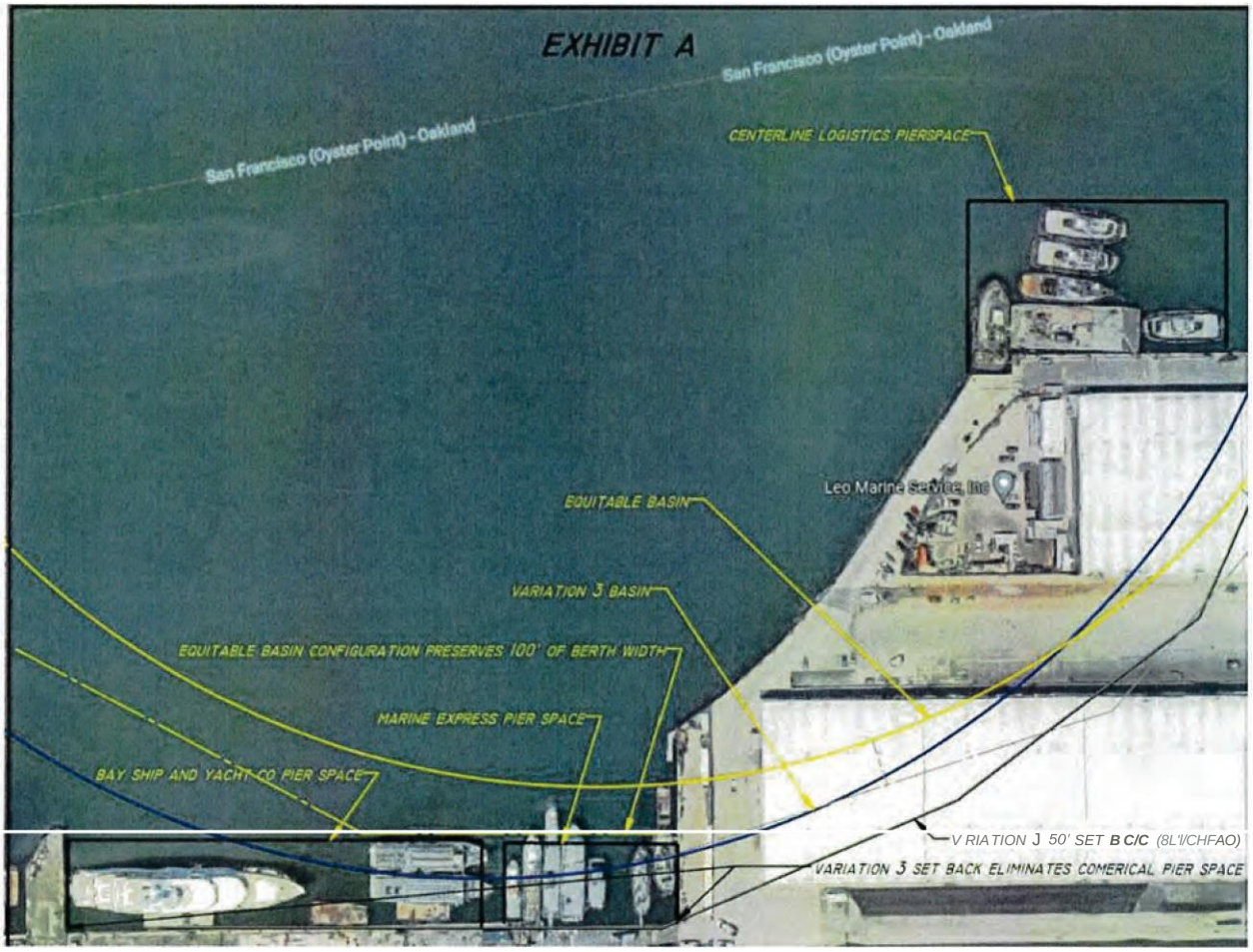
EXHIBIT A
San Francisco (Oyster Point) - Oakland
San Francisco (Oyster Point) - Oakland
CENTERLINE LOGISTICS PIERSPACE
Leo Marine Service, Inc
EQUITABLE BASIN
VARIATION 3 BASIN
EQUITABLE BASIN CONFIGURATION PRESERVES 100' OF BERTH WIDTH
MARINE EXPRESS PIER SPACE
BAY SHIP AND YACHT CO PIER SPACE
V RIATION J 50' SET B C/C (8L'I/CHFAO)
VARIATION 3 SET BACK ELIMINATES COMERICAL PIER SPACE

December 18, 2023 Comment Letter

EXHIBIT A

ATTACHMENT 2

Project No.
5687.100.104

January 16, 2013
Revised January 30, 2013

Mr. Angelo Obertello
Carlson Barbee & Gibson
6111 Bollinger Canyon Road, Suite 150
San Ramon, CA 94583

Subject: Alameda Point – Infrastructure Planning
Alameda, California

GEOTECHNICAL CONSTRAINTS

References:

1. A3GEO, Inc. and Alan Kropp & Associates, Inc.; Data Report, Preliminary Geotechnical and Geologic Studies, Lawrence Berkeley National Laboratory Future Scientific Facility, Alameda Point, Alameda, California; October 28, 2011.

2. ENGEO; Preliminary Geotechnical Exploration, Alameda Point Development, Alameda, California; April 8, 2003; Project No. 5497.100.102.

3. Subsurface Consultants Inc.; Geotechnical Investigation, Oakland Harbor Navigation Improvement (-50 foot) Project, Port of Oakland, Oakland and Alameda, California; February 12, 1999.

4. Carlson, Barbee & Gibson Inc.; Alameda Point, Master Infrastructure Plan, Base Case – Reuse Plan, Land Use and Zoning Districts; October 11, 2012.

Ala-148

Dear Mr. Obertello:

At your request, we prepared the following discussion of the geotechnical constraints that will impact redevelopment of Alameda Point in Alameda, California. We understand that the City of Alameda (City) is advancing site development planning. The purpose of this study is to assist in infrastructure planning at the site. The referenced documents were utilized for this study:

SITE DESCRIPTION AND PROJECT DESCRIPTION

Alameda Point is an area located on the westerly portion of Alameda Island in the City of Alameda, California. Alameda Island lies along the eastern side of the San Francisco Bay, adjacent to the City of Oakland. The site is a portion of the former Naval Air Station Alameda that ceased operations as a military base in 1997. The site is roughly rectangular in shape and is approximately 2 miles long and 1 mile wide. Based on a planning document by Carlson, Barbee & Gibson Inc., (Reference 4), the City is currently interested in developing an infrastructure plan

in order to facilitate redevelopment of the site with a mixture of housing, commercial, retail, marine-related facilities, and open spaces.

PREVIOUS GEOTECHNICAL DOCUMENTS

Numerous previous geotechnical explorations have been performed at the site during history. Reports by Subsurface Consultants Incorporated in 1999, ENGEO in 2003, and A3GEO, Inc. and Alan Kropp & Associates, Inc. in 2011, References 1, 2, and 3, are highly relevant to the current study. Numerous borings, Cone Penetration Tests (CPTs) and lab tests were included in these studies. We have compiled and selectively used, as deemed appropriate, the previous field and laboratory data in this current study. The approximate locations of the previous explorations are illustrated on Figure 1 (Site Plan).

SUBSURFACE CONDITIONS

Based on our review of the subsurface information in References 1 through 3, artificial fill of varying thickness was encountered in historic explorations throughout the site. Young Bay Mud was encountered beneath the fill in the portions of the site to the north of the seaplane lagoon with the greatest thickness approximately 130 feet. Merritt Sand and the San Antonio formation sand were found directly beneath the fill in the southeastern portion of the site (approximately 60 to 70 feet in thickness) and dipping beneath the Young Bay Mud to the north and the west. Yerba Buena Mud (also commonly called Old Bay Mud) lies beneath the San Antonio formation.

Ala-148

Due to site elevations and proximity to the San Francisco Bay, the site has relatively shallow groundwater. Based on historic groundwater measurements, we have assumed the groundwater is approximately 4 feet below existing grade in the analyses performed for the site.

Much of the existing fill and some of the Merritt Sand deposits are potentially liquefiable. The Young Bay Mud deposits are highly compressible under loads associated with fill and buildings. The Young Bay Mud is also soft, typically leading to relatively low stability of cuts and slopes as well as low bearing capacity.

GEOTECHNICAL CONSIDERATIONS

Based on the references provided, the main geotechnical concerns for the proposed site development include: (1) stability of the north shoreline, (2) liquefaction, (3) compressible soils and (4) underground utility construction. These concerns are discussed below and should be considered in the initial planning for the project site. A design-level geotechnical analysis should be performed as part of the design process.

North Shoreline Slope Stability

The geotechnical investigation report prepared by Subsurface Consultants Incorporated (SCI) for the Oakland Harbor Navigation Improvement Project at the Port of Oakland (Reference 3) analyzed the proposed deepening and widening of the Inner and Outer Harbor shipping channels and included an evaluation and discussion of that project's impact on adjacent land. The Port's shipping channel deepening project was completed in 2009. A portion of the deepened channel is adjacent to the north shore of the Alameda Point project site.

Reference 3 presents static slope stability analyses performed using limit equilibrium theory to locate the minimum factor of safety and critical slip surface. These analyses were performed using Bishop's Simplified Method and the Spencer Method. Liquefaction analyses were performed using the procedures outlined by Seed, et al. (1984). Lateral spreading was investigated using the Bartlett and Youd method (1995) and seismic slope stability due to inertial forces was analyzed using the method outlined by Makdisi and Seed (1978).

Three levels of seismic design criteria were used in this investigation. Levels 1, 2, and 3 correspond to ground shaking with a 50-, 20-, and 10-percent probability of exceedance in 50 years, and correspond to peak ground accelerations (PGA) of 0.29g, 0.45g, and 0.57g, respectively. A Magnitude 7¼ to 7½ earthquake was assumed for these analyses. Ala-148

Two cross sections, I-I' and J-J', were analyzed which encroach into a portion of the north shoreline of the proposed Alameda Point project, and the results are presented in Reference 3. The report concluded that the static stability of cross section I-I' was marginal and the seismic performance was poor with very large deformations at all seismic levels. Mitigation in the form of shoreline excavation, ground improvement, rock dikes, and/or bulkheads was recommended. Alternatively, the report suggests moving the channel 25 feet north. The seismic performance of cross section J-J' was concluded to be good at the channel limit but poor at the shoreline. Since the dredging of the channel had a limited effect on the stability of cross section J-J', no mitigation was recommended.

Reference 3 also includes analyses of the northern shoreline stability to the west of the mapped development area. Three additional cross sections, F-F', G-G', and H-H' were evaluated using the methodologies discussed above. The stability was evaluated for both deep failures that would propagate (global failure) on to land as well as localized failures of the cut slope. The previous study indicates that, under static loading, the stability for global failures is relatively high with calculated factors of safety between 1.7 and 2.1, but localized stability of the dredged cut would be slightly above marginal with an approximate factor of safety of 1.3 for all three cross-sections. Under seismic loading, the previous study predicted displacement of the slope (both global and local) for all three cross sections under all three seismic levels. The predicted displacements range from as little as 1 foot to greater than 10 feet of displacement. In all three cross sections, the predicted seismic slope displacements are greater for the localized failure surfaces yet still relatively large for the global failure surfaces.

Based on our understanding of the channel deepening project, no mitigation was performed along the north shore of Alameda Point to improve slope stability.

Limited Slope Stability Analysis

Utilizing information from Reference 3, we analyzed the slope stability of cross sections I-I' and J-J' to verify SCI's results. The locations of these cross sections are shown on Figure 1. We performed the analyses using the computer program SLIDE® (Version 6). SLIDE® is a limit equilibrium program that allows the user various search routines to locate the minimum factor of safety and critical slip surface. We choose the Spencer Method and circular and non-circular searching algorithms for our analysis. We performed seismic deformation analysis on these cross sections, based on the method of Bray and Travasarou (2007) in keeping with the guidelines of the California Geological Survey presented in Special Publication 117A (SP117A). In our analysis, we used the shear strength parameters specified in Reference 3.

Our slope stability calculations indicate that these slopes within the study area are probably marginally stable under current conditions. Any new loads from fill placement or buildings within 50 feet of the northern shoreline would likely have an impact on static slope stability. The calculated seismic slope deformations are in the range (15cm to 100cm) that would be considered potentially seismically "unstable" under SP117A. According to the guidelines, such deformation "may be sufficient to cause serious ground cracking or enough strength loss to result in continuing (post-seismic) failure." Deformations could extend more than 1,000 feet from the shore. Ala-148

To the west of the study area, the existing slopes appear to be stable under the current conditions but could experience significant deformations (up to 7 feet) under seismic shaking similar to the design earthquake for the site. The distance the deformation could extend is likely smaller than near the development area.

The slope stability results from this study and Reference 3 are included in the Appendix.

Liquefaction

Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded fine sands below the groundwater table. Empirical evidence indicates that loose fine-grained soil including low plasticity silt and clay is also potentially liquefiable. When seismic ground shaking occurs, the soil is subjected to cyclic shear stresses that can cause excess hydrostatic pressures to develop and liquefaction of susceptible soil to occur. If liquefaction occurs, and if the soil consolidates following liquefaction, then ground settlement and surface deformation may occur. The previous explorations at the site encountered sand and silty sand deposits that could potentially liquefy under seismic loading.

Shallow liquefiable soil is most likely to vent to the surface in the form of sand boils. Sand boils, if they occur, can result in localized voids in the subsurface and bearing failure of shallow foundations and utilities. Sand boils were observed in portions of the Naval Air Station Alameda in the 1989 Loma Prieta Earthquake.

We performed an evaluation of liquefaction potential on selected existing CPT data with the software program Cliq (version 1.7.1.6) applying the methodologies published by NCEER in 1998 and by Moss in 2006. We also analyzed selected existing boring data with the methodologies published by Youd et al. in 2001, Seed et al. in 2003 and Idriss and Boulanger in 2008. We assumed a groundwater level of 4 feet below existing ground surface, a peak ground acceleration (PGA) of 0.4g, and a moment magnitude (M_w) of 7.3. The PGA value corresponds to the 2010 California Building Code seismic design parameters. We evaluated the liquefaction potential for the soil encountered below the assumed water table. The results indicate that sand and silty sand fill material and native deposits are potentially liquefiable down to 40 feet below existing grades. Our analyses also indicate that the potentially liquefiable soil could settle as much 11 inches. Lateral spreading along the northern shoreline is likely following a design level earthquake. A plan showing the depth of liquefiable soil material is provided as Figure 2.

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Liquefaction Mitigation

The amount of potential liquefaction settlement and lateral spreading are greater than typical structures and infrastructure can tolerate without mitigation. Ground improvement techniques will likely be necessary to reduce the liquefaction potential of the sandy deposits at the project site to levels that improvements can be designed to tolerate. Liquefiable soil can be mitigated by either dynamic impact/vibration to densify the soil or mixing with cement to create zones of non-liquefiable soil. The success of dynamic impact methods depends on the fines content of the sand and the depth of the liquefiable material.

- Deep Dynamic Compaction

Deep dynamic compaction (DDC) tends to be the most cost-effective method of liquefaction mitigation, where appropriate. DDC imparts impact energy to the soil by dropping a 10- to 15-ton weight from a height of 16 to 50 feet. Since interlayered clay deposits within the liquefiable soil can absorb the dynamic energy and reduce the effectiveness of the ground improvement, DDC is most effective only to depths as much as 35 feet below grade in sandy soil.

Because the method consists of dropping a significant weight from a significant height, DDC results in significant noise and vibration. Since, the vibration impacts typical of DDC will likely cause damage to adjacent structures and improvements, an appropriate setback should be established. DDC should begin in a portion of the site away from existing structures and improvements and vibrations should be monitored to establish a safe setback. Pre- and post-construction surveys of adjacent improvements conditions should be performed to establish

if any damage was caused by DDC. A second ground improvement method may be necessary within any setback area. DDC should not be used over any existing utilities.

- Rapid Impact Compaction

An alternative to DDC is rapid impact compaction (RIC), which is a proprietary densification method where a 7- to 8-ton weight is dropped from 3 to 4 feet high on an approximately 5-foot-diameter hammer head. Because the energy imparted in RIC is significantly less than DDC, it can be used in closer proximity to existing structures and improvements. RIC is most effective in areas were the depth of the liquefiable material is 15 feet or less below the ground surface. Because the treated area is less than with DDC, RIC typically takes longer to treat an area and typically has a higher cost per square foot of area treated.

- Vibratory Replacement

Vibratory replacement methods densify the potentially liquefiable soil by inserting a vibrating probe into the ground and backfilling the shaft created with gravel. This method creates stone columns with densified soil between. The amount of vibration from this method is significantly less than with DDC and the depth of possible treatment is typically at least 35 feet. Unlike DDC and RIC, this method is not performed across the entire project footprint but on a grid of columns with equal spacing across the site. The spacing of the grid would be determined as part of a design-build process. Ala-148

- Soil/cement Mixing

Soil/cement mixing includes numerous proprietary methods including grouting, grout-mixing, and deep soil mixing. Each of these methods involves mixing the subsurface soil with cement and water to create columns of stiffened soil. The columns can be oriented as individual columns or overlapped to create walls around unimproved soil. The untreated soil is not densified by this technique. This ground improvement method relies on the improved stiffness of the columns to raise the composite stiffness of the site and reduce liquefaction by concentrating the cyclic stresses imparted by the seismic event on the columns and reducing the increase in pore pressure in the soil.

This method of ground improvement results in significantly reduced construction vibrations versus the other alternatives. This method does result in spoils that will be rich in cement; because import is expected at this site, spoils could be mixed with onsite soil to reduce the cement content and used as structural fill once the cement has cured; using spoils as engineered fill will potentially improve performance as a stiffened cap can be constructed to assist in transferring loads to the individual columns. Depending on cement concentration and hydration time, the reaction of cement in the spoils could make conventional soil compaction techniques difficult. If spoils are used as structural fill, we recommend using a method specification to check that appropriate degrees of compaction are achieved.

Compressible Soil

Soft, highly compressible Yong Bay Mud deposits were encountered in the previous explorations at the project site. A plan showing the depth of the base of the Young Bay Mud is provided as Figure 3. The locations and thicknesses of these deposits are variable, ranging from nil to over 130 feet in thickness. The Yong Bay Mud can settle due to loading from any new fill or from new structures constructed at the site. The amount of settlement is a factor of load and thickness of Young Bay Mud. Assuming the Young Bay Mud is normally consolidated, settlement can be as great a ½ foot for each foot of fill placed over the thickest areas of Young Bay Mud. While the majority of settlement from new loads will happen in the first 1 to 2 years after construction, in the areas of the thickest Young Bay Mud, settlement can continue for a period of 50 years or more.

Compressible Soil Mitigation

Depending on the type of buildings planned at the project site, mitigation of the compressible Young Bay Bud deposits may be feasible. One measure that can be used to mitigate the loading from small, relatively lightweight structures is pre-consolidation of compressible material through a surcharge program. Surcharge fill is placed above design grade elevations in areas of the site where pre-consolidation measures are necessary to reduce settlement. The surcharge fill remains in place for a period sufficient to allow the desired degree of consolidation to be achieved, such that the risk of settlement is sufficiently reduced for the planned structure. Surcharging will induce some settlement in adjacent areas; therefore, it may not be feasible to use surcharge as a compressible soil mitigation method in areas near existing structures and utilities. Likewise, surcharging of initial phases of construction should be placed wider than the footprint of the construction area so that subsequent phases of surcharge do not cause settlement of already constructed areas. For planning purposes, we recommend assuming that surcharge areas of initial phases should be overbuilt by at least 20 feet laterally from the improvement area. Ala-148

The amount of time necessary to effectively mitigate compressible soil through surcharge is directly related to the thickness of the compressible soil deposit. Where the Young Bay Mud is thicker than about 20 feet, it is likely that wick drains may be desired to shorten the drainage path of the compressible deposits and accelerate the surcharge program.

A surcharge program is generally not efficient for structures with bearing pressures over 750 to 1,000 pounds per square foot. In these cases deep foundation systems deriving support from below the Young Bay Mud could be suitable at the project site. Where deep foundations are used, utilities should incorporate flexible connections as the building will not settle with the surrounding soil.

Underground Utilities

Utility Trench Shoring

Due to the soft nature of the Young Bay Mud, excavations that extend into Young Bay Mud deposits may become unstable. Installation of temporary sheetpiles or the use of a shield or continuous hydraulic skeleton shoring should be anticipated for excavations that extend below a depth of about 3 to 5 feet.

Trench Dewatering

Shallow groundwater is expected at the site and trench excavations may encounter perched groundwater. Therefore, utility trench excavations may require temporary dewatering during construction to keep the excavation and working areas reasonably dry. In general, excavations should be dewatered such that water levels are maintained at least 2 feet below the bottom of the excavation prior to and continuously during shoring installation and the backfill process to control the tendency for the bottom of the excavation to heave under hydrostatic pressures and to reduce inflow of soil or water from beneath temporary shoring. We anticipate that dewatering for underground utility construction will be accomplished by pumping from sumps. Ala-148

Utility trenches adjacent to existing improvements should include a low permeability cutoff to reduce the risk of inadvertent groundwater flow along permeable bedding or backfill. In these areas dewatering may not be an option; therefore, a relatively impervious shoring system of tight interlocking sheet piles, or other impervious wall type, can be utilized to reduce infiltration during construction.

In addition, possibility of encountering contaminated soil and groundwater should be considered during underground construction.

LAND PLANNING ZONES

The limits of the land planning zones discussed below are presented on Figure 4.

North Shore Line

We understand that a significant setback from the north shore is not feasible; therefore, strengthening of the shoreline will be needed to reduce potential lateral displacement. The most cost effective shoreline stabilization measure would likely be performing ground improvement such as soil/cement mixing. Because both the liquefiable fill and Young Bay Mud impact the seismic slope stability, the soil/cement mixing will need to extend about 40 feet below the ground surface to the bottom of the Young Bay Mud layer. Based on similar projects, we estimate that to appropriately improve shoreline stability the soil treatment may need to be performed on 15 to 30 percent of the soil volume over an area between 20 to 30 feet wide. Other shoreline improvement measures, such as a levee and flood protection system could be

constructed in conjunction with the improvement area. An alternative to soil/cement mixing would be construction of a structure, such as a bulkhead wall.

We understand that a levee has been proposed as part of the flood protection system on the northern shoreline. The levee embankment should have a crest 12 feet wide with side slopes of approximately 3:1 (horizontal:vertical). We recommend that the material used for embankment construction consist of soil with at least 15 percent passing the No. 200 sieve and no particles greater than 6 inches in maximum dimension.

Adaptive Reuse Area

We understand that some portions of the site are planned for adaptive reuse. In these areas, liquefaction mitigation measures will be constrained by existing structures and utilities. Ground improvement techniques will not be available for existing buildings; therefore, potential liquefaction induced settlement must be mitigated structurally. Where new utilities are to be installed, RIC could be used to densify the top 15 feet of liquefiable material, and the utilities could be designed to withstand settlement up to 8 inches and differential settlement up to 4 inches. Alternatively, vibratory replacement or soil/cement mixing could be used in these areas to reduce settlement of utilities and other improvements; total and differential settlement using these approaches would be less than using RIC. Based on typical construction costs, ground improvement using RIC will likely be the most cost efficient solution though other ground improvement methods would be more effective in decreasing potential settlement where liquefiable soil is deeper than 15 feet. Existing utilities that will remain in place can be supported by grouting underneath the utility. A1a-148

Liquefaction Hazard Area

This area is not planned for adaptive reuse, so DDC will be the most applicable and cost effective liquefaction mitigation method. DDC results in relatively large noise and vibration impacts, so a buffer zone of up to 100 feet may be necessary from any existing structures to minimize impacts. Inside this buffer zone, other ground improvement methods may be necessary.

Liquefaction and Compressible Soil Hazard Area

DDC will also be the most applicable and cost effective liquefaction mitigation method in this area. DDC results in relatively large noise and vibration impacts, so a buffer zone of up to 100 feet may be necessary from any existing structures to minimize impacts. Inside this buffer zone, other ground improvement methods may be necessary.

Structures constructed in this area that have bearing pressures greater than 750 to 1,000 pounds per square foot will likely need to be supported on deep foundations. A surcharge program could be used to mitigate the consolidation settlement caused by the construction of light buildings.

Outside of the building areas, additional fill from grading to raise the site out of the flood plain will also induce consolidation settlement of the Young Bay Mud, and we anticipate that other measures may be necessary to mitigate potential settlement that could adversely affect site improvements (i.e., streets, parking areas, drainage, underground utilities, concrete flatwork, etc.). The selected mitigation will partly depend on what level of risk is acceptable, and could range from: (1) acceptance of settlement risk and periodic maintenance, (2) implementation of a surcharge program to pre-consolidate the soil and reduce long term settlements, (3) use of lightweight fill as compensation load to reduce settlement or (4) critical utilities could be supported on cement/soil mixed columns.

The comments provided in this letter are professional opinions developed in accordance with current standards of geotechnical engineering practice; no warranty is expressed or implied. If you have any questions regarding our letter, please do not hesitate to contact us.

A1a-148

Sincerely,

ENGEO Incorporated

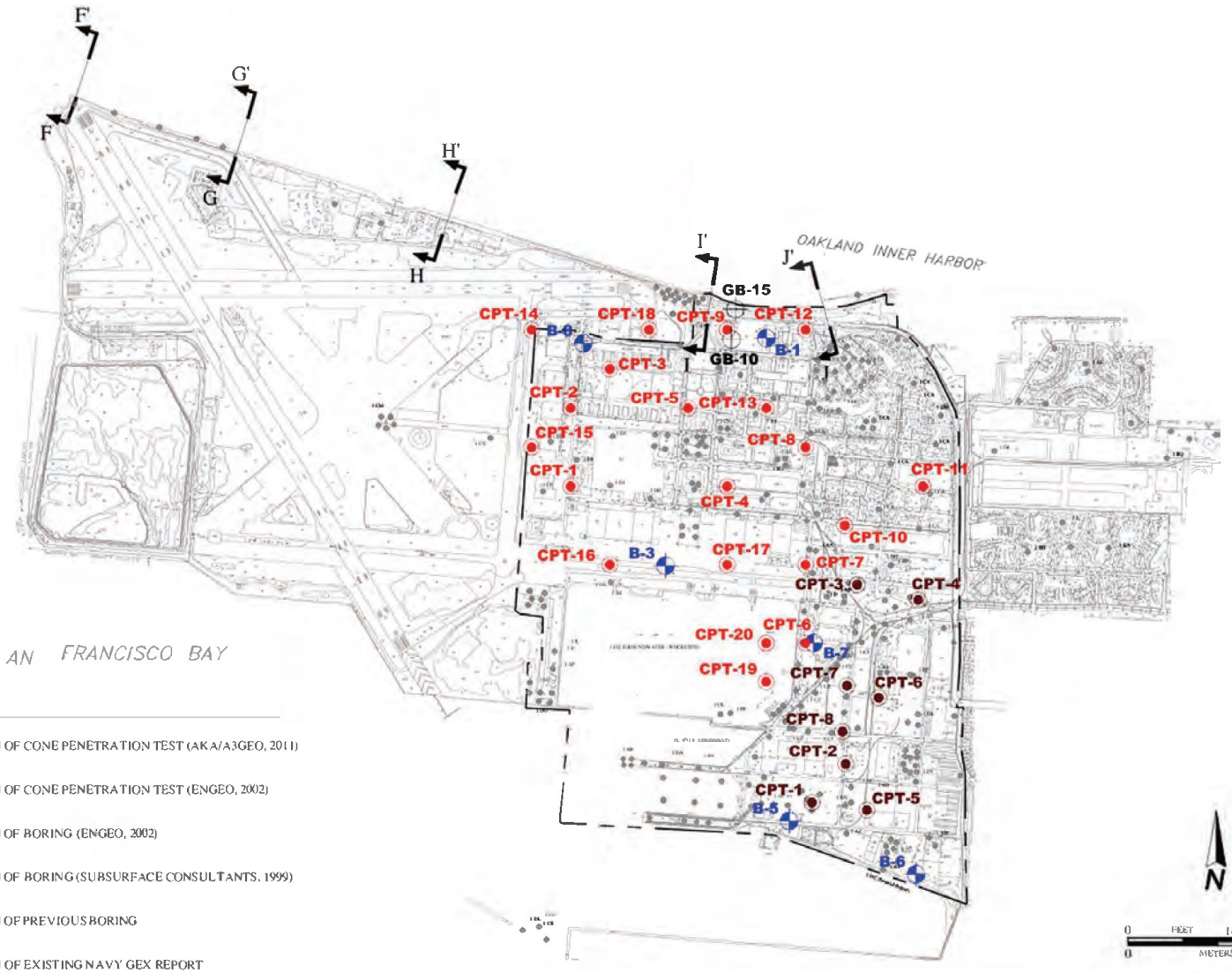
Siobhan O'Reilly-Shah

Jeff Fippin, GE

REGISTERED PROFESSIONAL ENGINEER
JEFFREY A. FIPPIN
No. 2631
Exp. 6/30/2013
GEOTECHNICAL
STATE OF CALIFORNIA

Daniel S. Haynosch, GE
sors/jf/dsh/jf

Attachments: Figure 1 - Site Plan
Figure 2 - Depth of Potentially Liquefiable Soil
Figure 3 - Thickness of Young Bay Mud
Figure 4 – Preliminary Constraints Mapping Based on Land Planning Zones
Appendix – Limited Slope Stability Calculations



XPLANATION

- CPT-8 — APPROXIMATE LOCATION OF CONE PENETRATION TEST (AKA/A3GEO, 2011)
- CPT- — APPROXIMATE LOCATION OF CONE PENETRATION TEST (ENGEO, 2002)
- B-8 — APPROXIMATE LOCATION OF BORING (ENGEO, 2002)
- GB-15 — APPROXIMATE LOCATION OF BORING (SUBSURFACE CONSULTANTS, 1999)
- APPROXIMATE LOCATION OF PREVIOUS BORING
- APPROXIMATE LOCATION OF EXISTING NAVY GEX REPORT
- J J' — APPROXIMATE LOCATION OF CROSS SECTION EVALUATED BY SUBSURFACE CONSULTANTS

BASE MAP SOURCE: CARLSON, BARBEE & JASON

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SITE PLAN

ALAMEDA POINT - INFRASTRUCTURE PLANNING

ALAMEDA, CALIFORNIA

PROJECT NO: 5687.100.104 | FIGURE NO: 1

SCALE: AS SHOWN

DRAWN BY: SRP | CHECKED BY: JF

ORIGINAL FIGURE PRINTED IN COLOR

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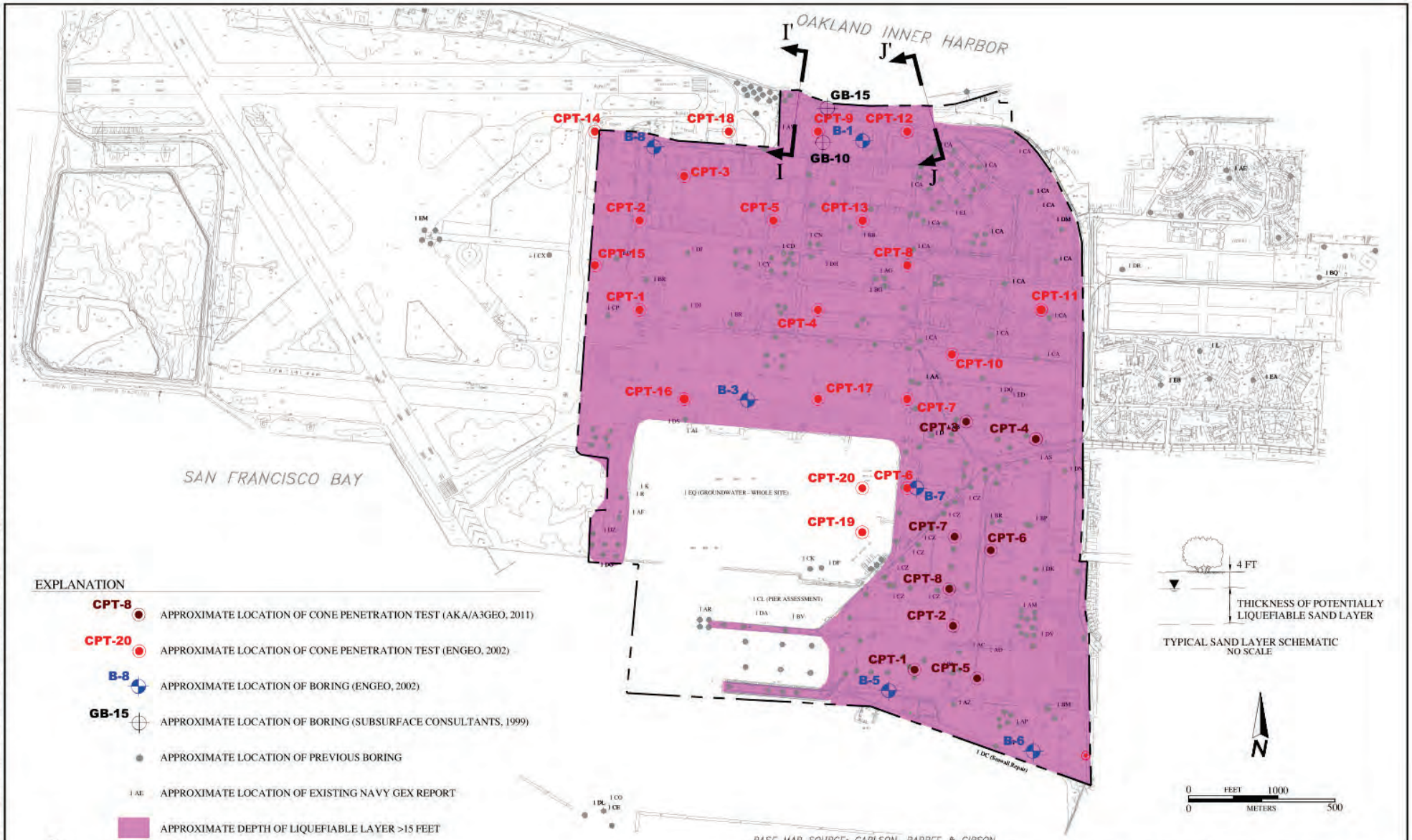

ENGEO Expect Excellence

DEPTH OF POTENTIALLY LIQUEFIABLE SOIL
ALAMEDA POINT - INFRASTRUCTURE PLANNING
ALAMEDA, CALIFORNIA

PROJECT NO.: 5687.100.104	FIGURE No 2
SCALE: AS SHOWN	
DRAWN BY: SRP	CHECKED BY: JF

ORIGINAL FIGURE PRINTED IN COLOR

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G:\Drafting\DRAFTING2_Dwg\5687\100\2013\5687100104-2-ThicknessLiquefiableSand-0113.dwg Plot Date 1-15-13 SPATTERS

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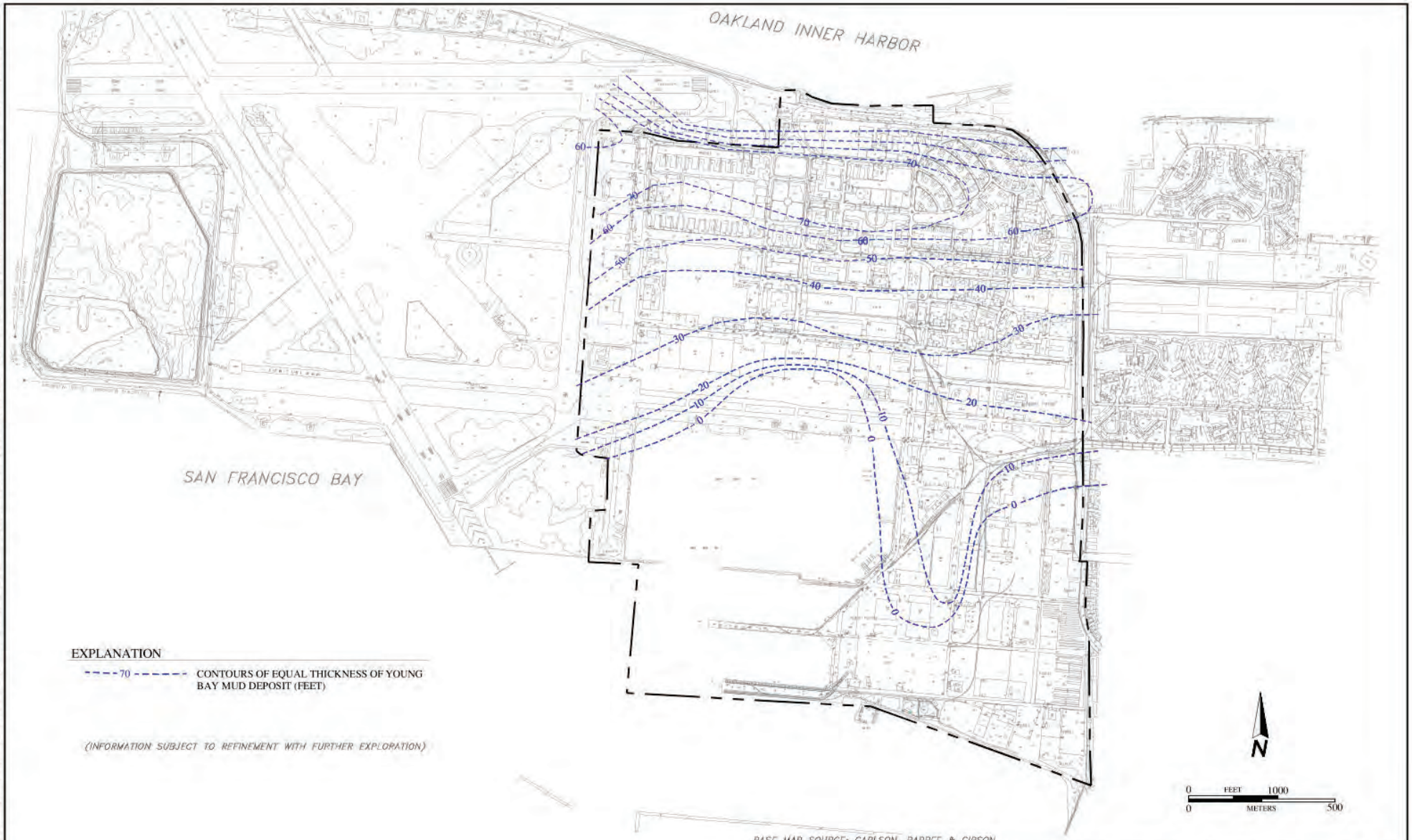


EXPLANATION

70 CONTOURS OF EQUAL THICKNESS OF YOUNG BAY MUD DEPOSIT (FEET)

(INFORMATION SUBJECT TO REFINEMENT WITH FURTHER EXPLORATION)

BASE MAP SOURCE: CARLSON, BARBEE & GIBSON

ENGEO Expect Excellence

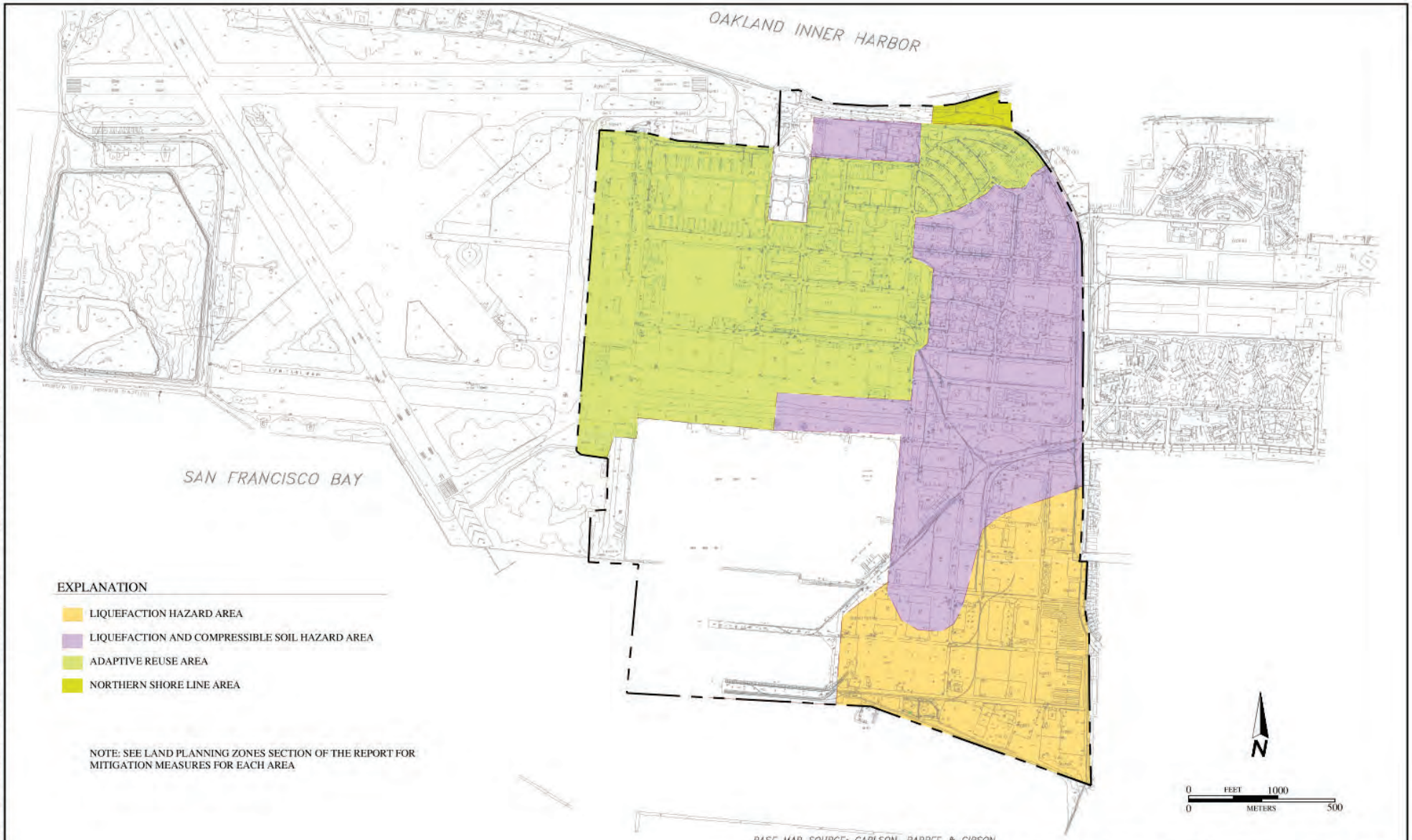
THICKNESS OF YOUNG BAY MUD
ALAMEDA POINT - INFRASTRUCTURE PLANNING
ALAMEDA, CALIFORNIA

PROJECT NO.: 5687.100.104
SCALE: AS SHOWN
DRAWN BY: SRP CHECKED BY: JF

FIGURE NO. 3

ORIGINAL FIGURE PRINTED IN COLOR

G:\Drafting\DRAFTING2\...Dwg\5687\100\2013\5687100104-3-YoungBayMud-0113.dwg Plot Date: 1-15-13 SPATTERS



BASE MAP SOURCE: CARLSON, BARBEE & GIBSON

ENGEO Expect Excellence

PRELIMINARY CONSTRAINTS MAPPING
BASED ON LAND PLANNING ZONES
ALAMEDA POINT - INFRASTRUCTURE PLANNING
ALAMEDA, CALIFORNIA

PROJECT NO.: 5687.100.104	FIGURE N
SCALE: AS SHOWN	4
DRAWN BY: SRP CHECKED BY: JF	

ORIGINAL FIGURE PRINTED IN COLOR

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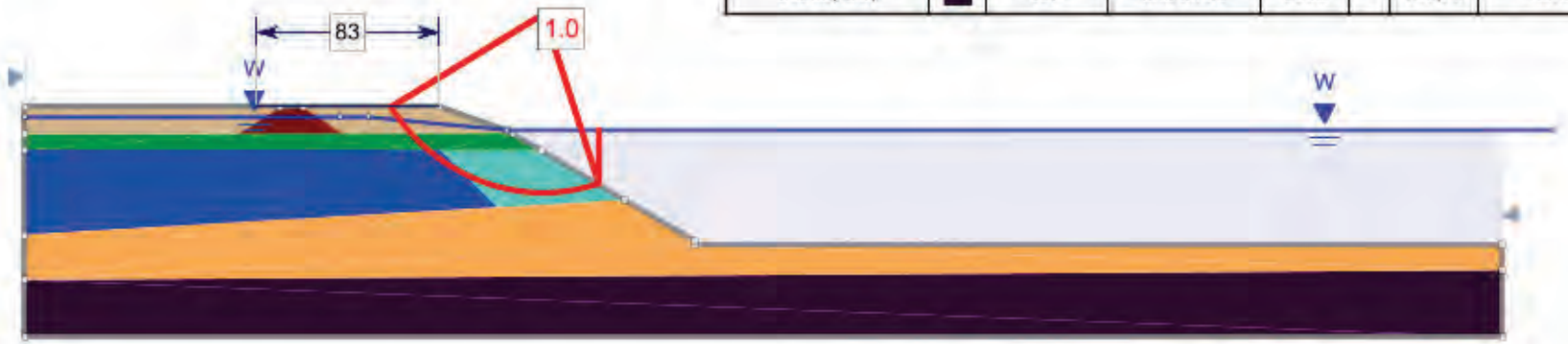
APPENDIX

Limited Slope Stability Calculations

5687.100.104
January 16, 2013
Revised January 30, 2013

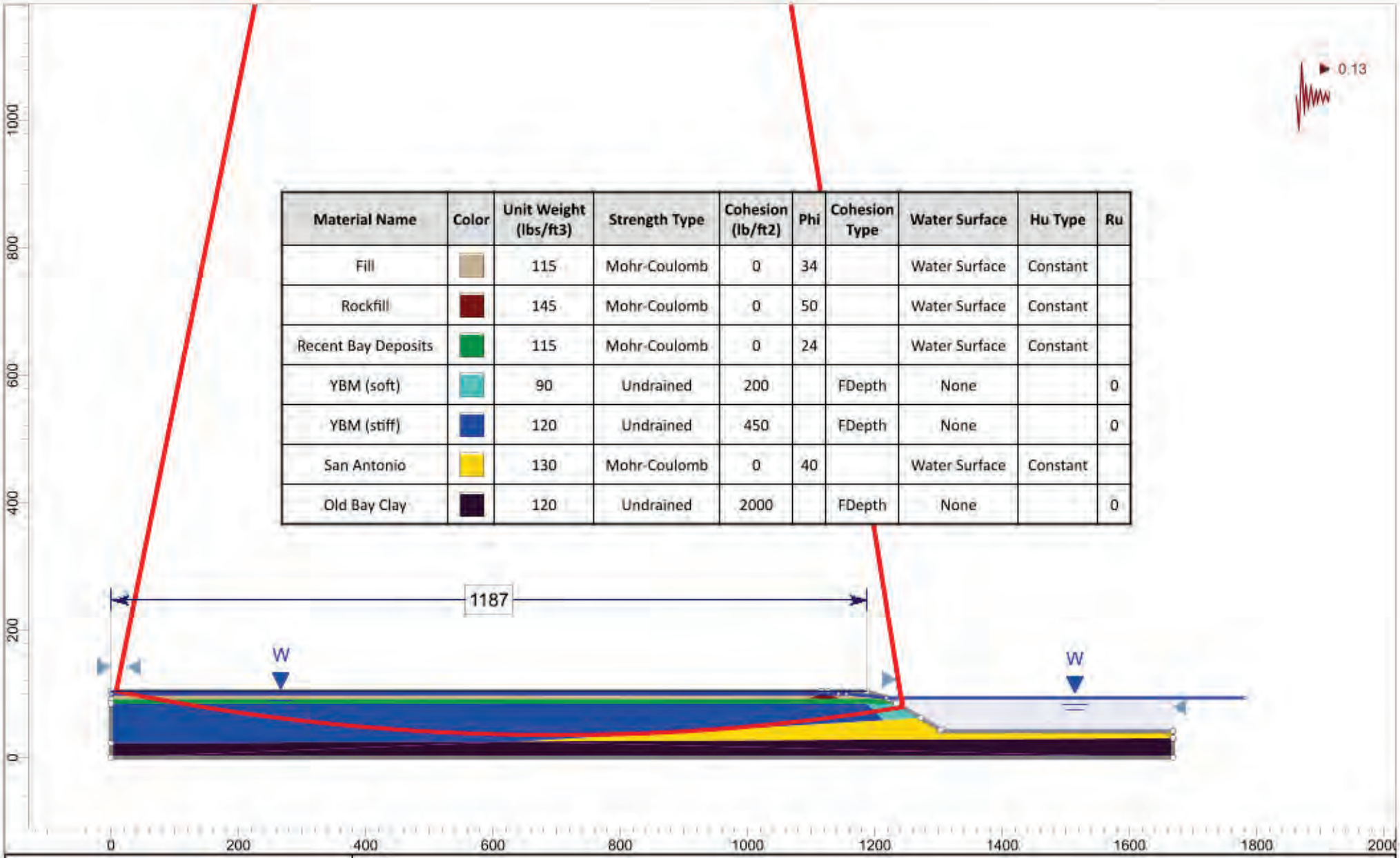
Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (lb/ft2)	Phi	Cohesion Type	Water Surface	Hu Type	Ru
Fill		115	Mohr-Coulomb	0	34		Water Surface	Constant	
Rockfill		145	Mohr-Coulomb	0	50		Water Surface	Constant	
Recent Bay Deposits		115	Mohr-Coulomb	0	24		Water Surface	Constant	
YBM (soft)		90	Undrained	200		FDepth	None		0
YBM (stiff)		120	Undrained	450		FDepth	None		0
San Antonio		130	Mohr-Coulomb	0	40		Water Surface	Constant	
Old Bay Clay		120	Undrained	2000		FDepth	None		0



ENGEO Expect Excellence 40 years

SLIDEINTERPRET 6.014

Project	Alameda Point		
Analysis Description	Spencer		
Drawn By	Siobhan O'Reilly-Shah	Scale 1:1000	Company ENGEO
Date	12/12/2012, 10:36:05 AM		File Name Static Slope Stability - xsec I-I'.slim



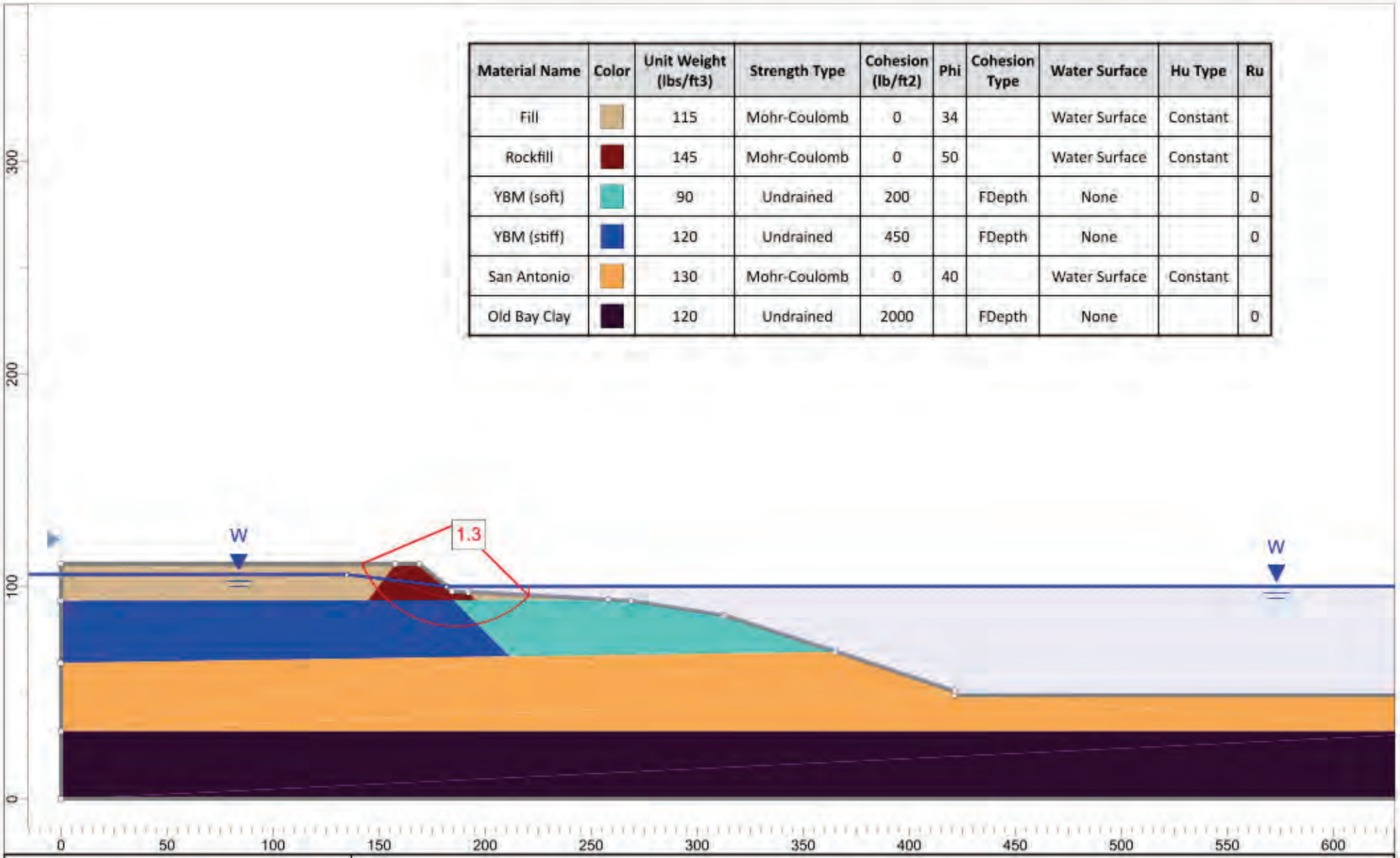
Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (lb/ft2)	Phi	Cohesion Type	Water Surface	Hu Type	Ru
Fill		115	Mohr-Coulomb	0	34		Water Surface	Constant	
Rockfill		145	Mohr-Coulomb	0	50		Water Surface	Constant	
Recent Bay Deposits		115	Mohr-Coulomb	0	24		Water Surface	Constant	
YBM (soft)		90	Undrained	200		FDepth	None		0
YBM (stiff)		120	Undrained	450		FDepth	None		0
San Antonio		130	Mohr-Coulomb	0	40		Water Surface	Constant	
Old Bay Clay		120	Undrained	2000		FDepth	None		0

ENGEO Expect Exceptional. 40 years

SLIDEINTERPRET 6.014

Project	Alameda Point		
Analysis Description	Spencer		
Drawn By	Siobhan O'Reilly-Shah	Scale 1:2500	Company ENGEO
Date	12/12/2012, 10:36:05 AM		File Name Pseudo-Static Slope Stability - xsec I-I'.slim

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (lb/ft2)	Phi	Cohesion Type	Water Surface	Hu Type	Ru
Fill		115	Mohr-Coulomb	0	34		Water Surface	Constant	
Rockfill		145	Mohr-Coulomb	0	50		Water Surface	Constant	
YBM (soft)		90	Undrained	200		FDepth	None		0
YBM (stiff)		120	Undrained	450		FDepth	None		0
San Antonio		130	Mohr-Coulomb	0	40		Water Surface	Constant	
Old Bay Clay		120	Undrained	2000		FDepth	None		0

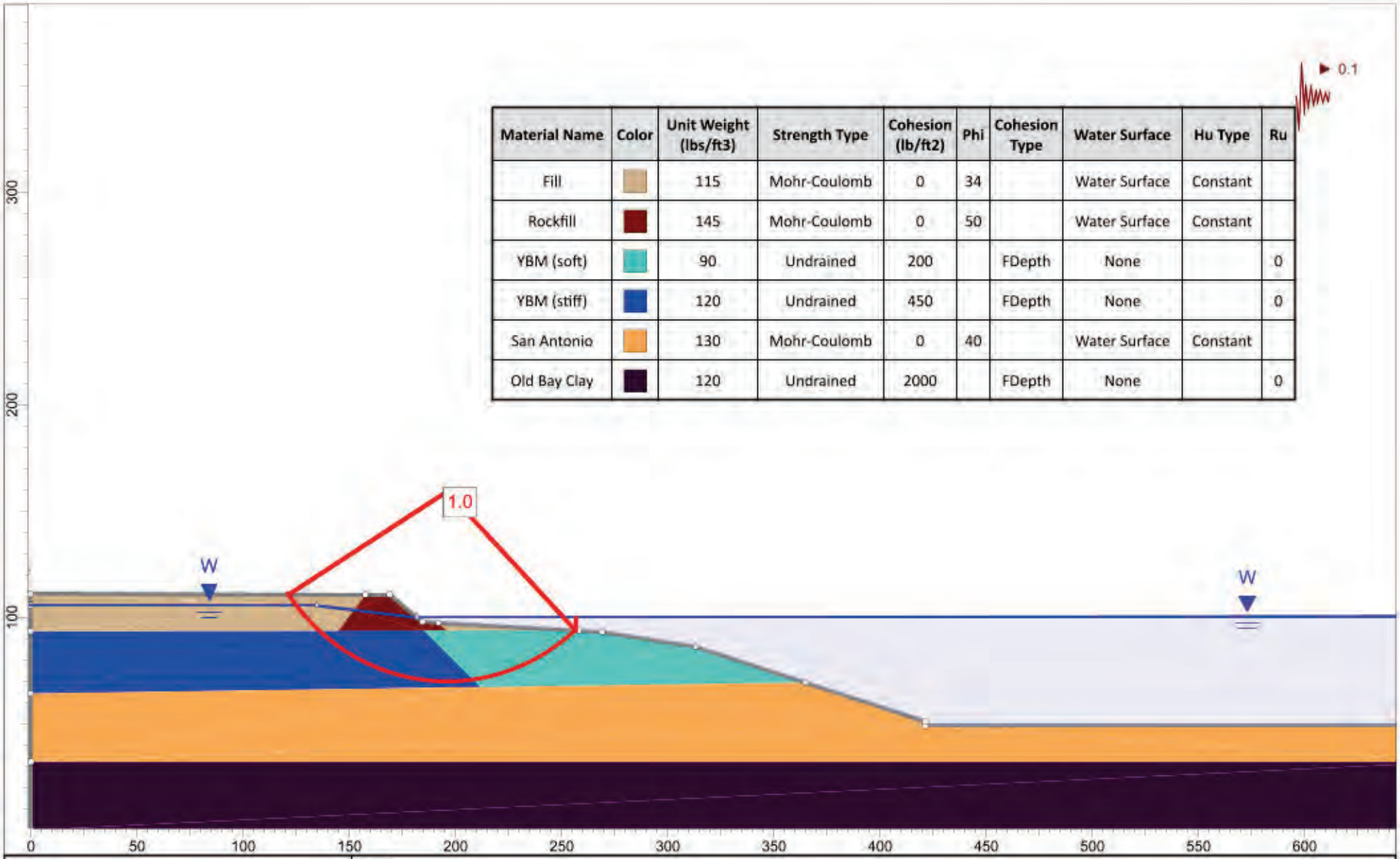


ENGEO Expect Excellence 40 years

SLIDEINTERPRET 6.014

Project	Alameda Point		
Analysis Description	Spencer		
Drawn By	Siobhan O'Reilly-Shah	Scale	1:750
Company	ENGEO		
Date	12/12/2012, 10:36:05 AM	File Name	Static Slope Stability - xsec J-J'.slim

Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (lb/ft2)	Phi	Cohesion Type	Water Surface	Hu Type	Ru
Fill		115	Mohr-Coulomb	0	34		Water Surface	Constant	
Rockfill		145	Mohr-Coulomb	0	50		Water Surface	Constant	
YBM (soft)		90	Undrained	200		FDepth	None		0
YBM (stiff)		120	Undrained	450		FDepth	None		0
San Antonio		130	Mohr-Coulomb	0	40		Water Surface	Constant	
Old Bay Clay		120	Undrained	2000		FDepth	None		0

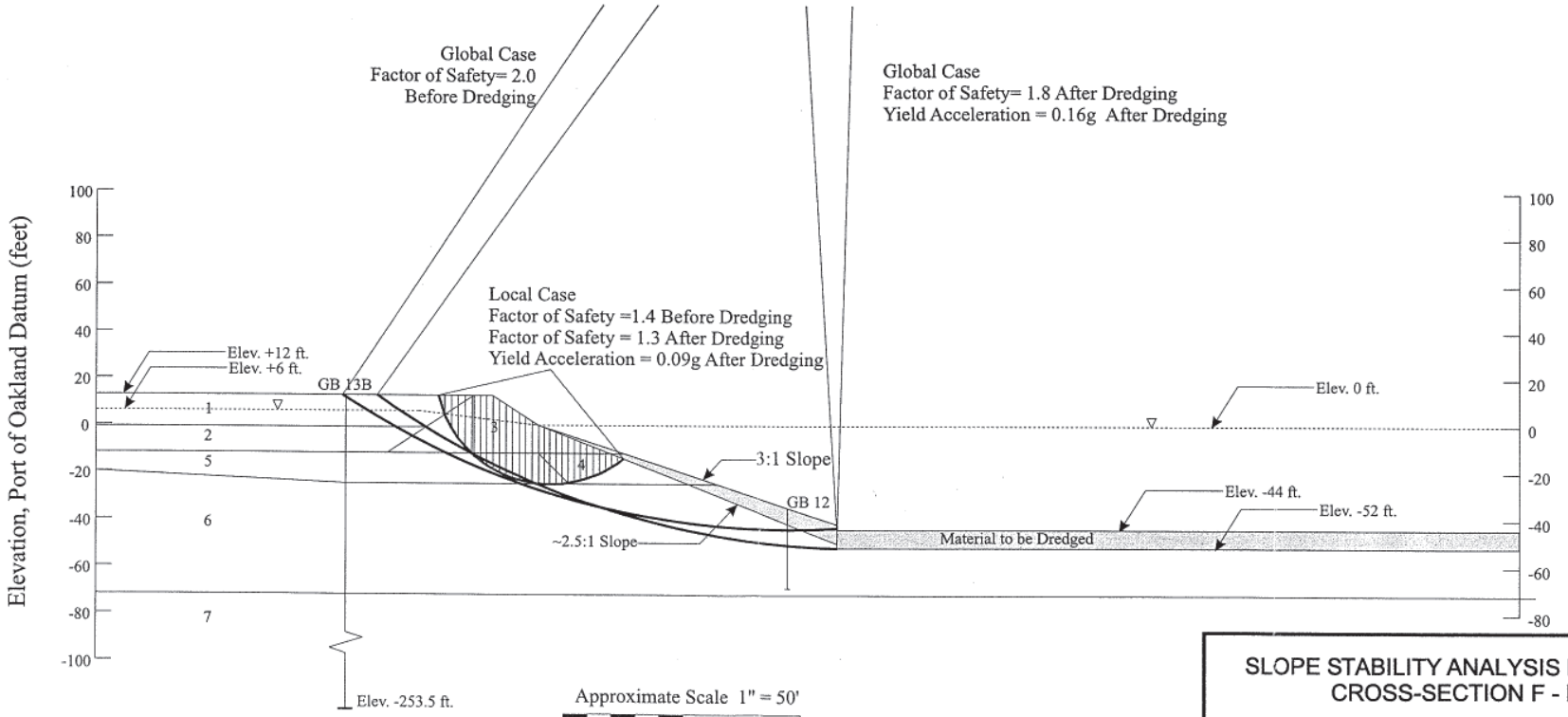


ENGEO Expect Excellence 40 years

SLIDEINTERPRET 6.014

Project	Alameda Point		
Analysis Description	Spencer		
Drawn By	Siobhan O'Reilly-Shah	Scale 1:750	Company ENGEO
Date	12/12/2012, 10:36:05 AM		File Name Pseudo-Static Slope Stability - xsecJ-J".slim

Layer No.	Soil Classification (Lithologic Unit)	Unit Weight (pcf)	Effective Friction Angle (degrees)	Effective Cohesion Intercept (psf)	Undrained Shear Strength (psf)
1	Loose Sand (Fill)	115	30	0	-
2	Soft to Medium Stiff Clay (Fill)	100	-	-	400 at top of layer, increasing 9 psf/ft.
3	Rockfill (Old Training Wall)	145	50	0	-
4	Soft Clay (Young Bay Mud)	95	-	-	250 at El. -12 ft., increasing 11 psf/ft
5	Medium Stiff Clay (Young Bay Mud)	100	-	-	500 at top of layer, increasing 11 psf/ft.
6	Very Dense Sand (San Antonio Formation)	130	40	0	-
7	Very Stiff Clay (Old Bay Mud)	120	-	-	2000 at top of layer, increasing 30 psf/ft



Approximate Scale 1" = 50'

0 50 100

Notes:
1. Yield Acceleration was determined using a post-liquefaction residual strength of 300 psf for the submerged part of layer #1
2. If the new channel limit is moved 25 feet north, the -42 foot channel slope can be extended at a 3:1 slope so that the local stability case is not impacted by the proposed dredging.

SLOPE STABILITY ANALYSIS RESULTS
CROSS-SECTION F - F'

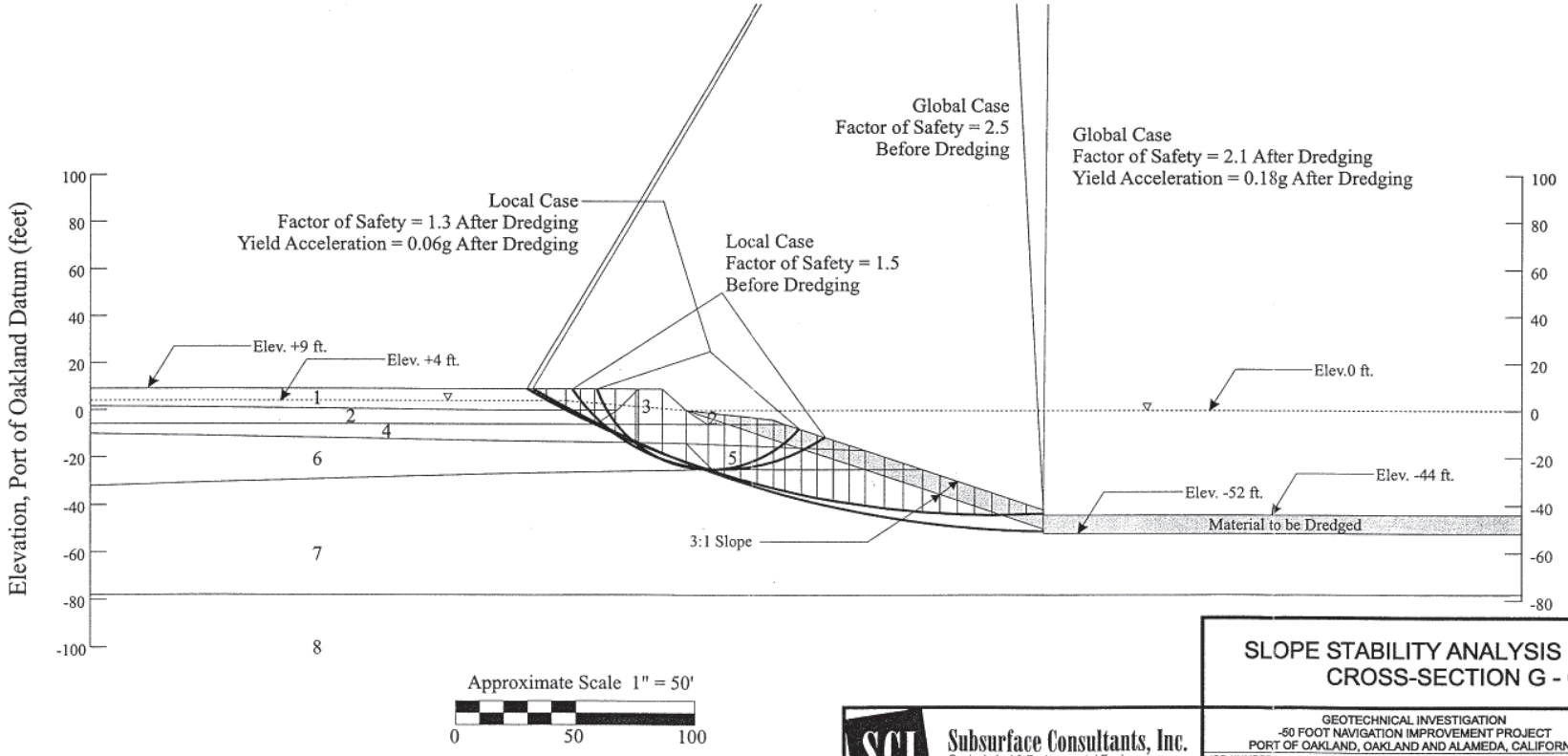
SCI Subsurface Consultants, Inc.
Geotechnical & Environmental Engineers

GEOTECHNICAL INVESTIGATION
-50 FOOT NAVIGATION IMPROVEMENT PROJECT
PORT OF OAKLAND, OAKLAND AND ALAMEDA, CALIFORNIA

JOB NUMBER	DATE	APPROVED
133.007	12/97	

PLATE 37

Layer No.	Soil Classification (Lithologic Unit)	Unit Weight (pcf)	Effective Friction Angle (degrees)	Effective Cohesion Intercept (psf)	Undrained Shear Strength (psf)
1	Loose Sand (Fill)	115	30	0	-
2	Loose Sand (Fill)	115	30	0	-
3	Rockfill (Old Training Wall)	145	50	0	-
4	Interbedded Loose Sand and Soft Clay (Recent Bay Deposits)	115	30	0	-
5	Soft Clay (Young Bay Mud)	95	-	-	250 at El. -14 ft., increasing 11 psf/ft
6	Medium Stiff Clay (Young Bay Mud)	100	-	-	500 at top of layer, increasing 11 psf/ft.
7	Very Dense Sand (San Antonio Formation)	130	40	0	-
8	Very Stiff Clay (Old Bay Mud)	120	-	-	2000 at top of layer, increasing 30 psf/ft



SLOPE STABILITY ANALYSIS RESULTS
CROSS-SECTION G - G'

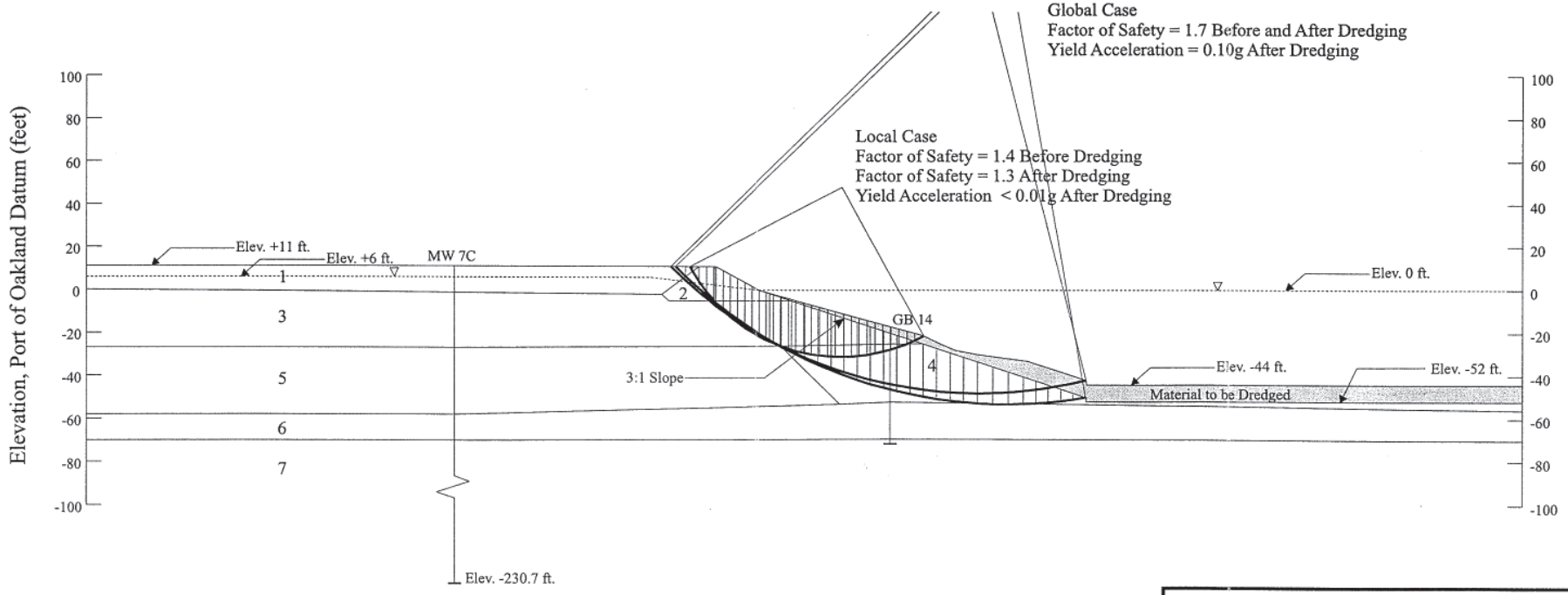
SCI Subsurface Consultants, Inc.
Geotechnical & Environmental Engineers

GEOTECHNICAL INVESTIGATION
-50 FOOT NAVIGATION IMPROVEMENT PROJECT
PORT OF OAKLAND, OAKLAND AND ALAMEDA, CALIFORNIA

JOB NUMBER	DATE	APPROVED
133.007	12/97	

PLATE 38

Layer No.	Soil Classification (Lithologic Unit)	Unit Weight (pcf)	Effective Friction Angle (degrees)	Effective Cohesion Intercept (degrees)	Undrained Shear Strength (psf)
1	Loose Sand (Fill)	115	30	0	-
2	Rockfill (Old Training Wall)	145	50	0	-
3	Interbedded Loose Sand and Soft Clay (Recent Bay Deposits)	115	30	0	-
4	Soft Clay (Young Bay Mud)	100	-	-	300 at El. -27 ft., increasing 11 psf/ft.
5	Interbedded Medium Stiff Clay and Medium Dense Clayey Sand (Young Bay Mud and San Antonio Formations)	105	-	-	500 at El. -27 ft., increasing 11 psf/ft.
6	Very Dense Sand (San Antonio Formation)	130	40	0	
7	Very Stiff Clay (Old Bay Clay)	120	-	-	2000 at top of layer, increasing 30 psf/ft.



Approximate Scale 1" = 50'

0 50 100

SLOPE STABILITY ANALYSIS RESULTS
CROSS-SECTION H - H'

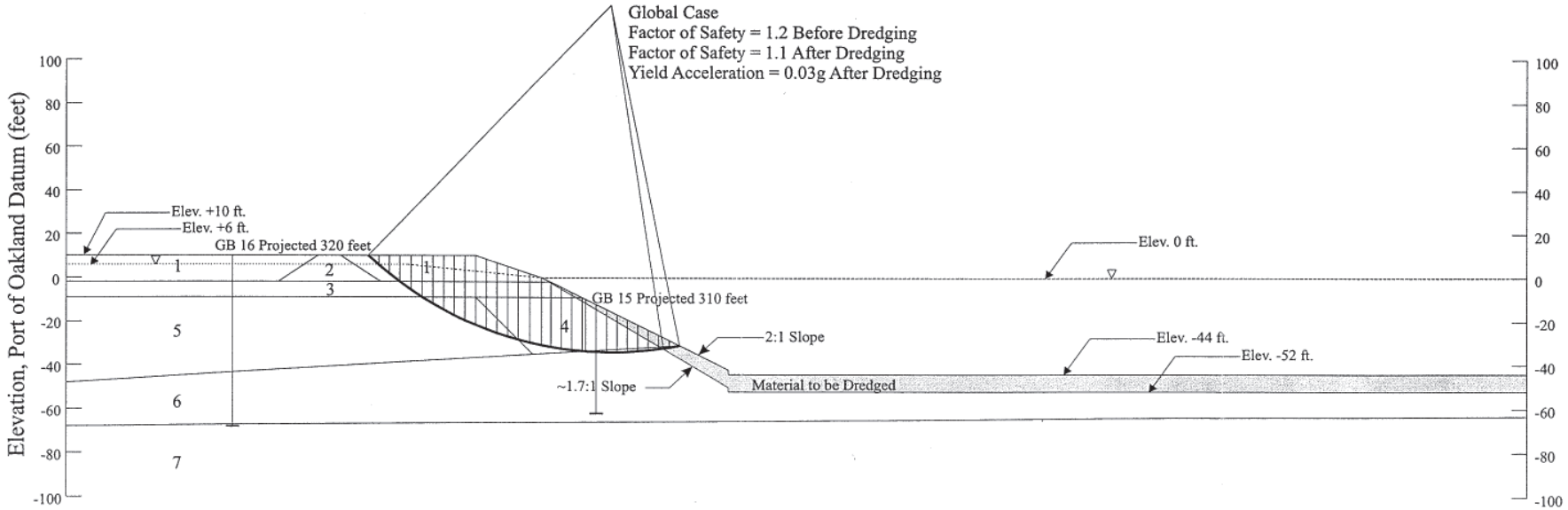
Subsurface Consultants, Inc.
Geotechnical & Environmental Engineers

GEOTECHNICAL INVESTIGATION
-50 FOOT NAVIGATION IMPROVEMENT PROJECT
PORT OF OAKLAND, OAKLAND AND ALAMEDA, CALIFORNIA

JOB NUMBER	DATE	APPROVED
133.007	12/97	

PLATE 39

Layer No.	Soil Classification (Lithologic Unit)	Unit Weight (pcf)	Effective Friction Angle (degrees)	Effective Cohesion Intercept (degrees)	Undrained Shear Strength (psf)
1	Medium Dense to Dense Sand (Fill)	115	34	0	-
2	Rockfill (Old Training Wall)	145	50	0	-
3	Medium Dense to Dense Sand (Recent Bay Deposits)	115	34	0	-
4	Soft Clay (Young Bay Mud)	90	-		200 at El. -27 ft., increasing 11 psf/ft.
5	Medium Stiff Clay (Young Bay Mud)	95	-	-	450 at El. -27 ft., increasing 11 psf/ft.
6	Very Dense Sand (San Antonio Formation)	130	40	0	-
7	Very Stiff Clay (Old Bay Clay)	120	-	-	2000 at top of layer, increasing 30 psf/ft.



Approximate Scale 1" = 50'

0 50 100

SLOPE STABILITY ANALYSIS RESULTS
CROSS-SECTION I - I'

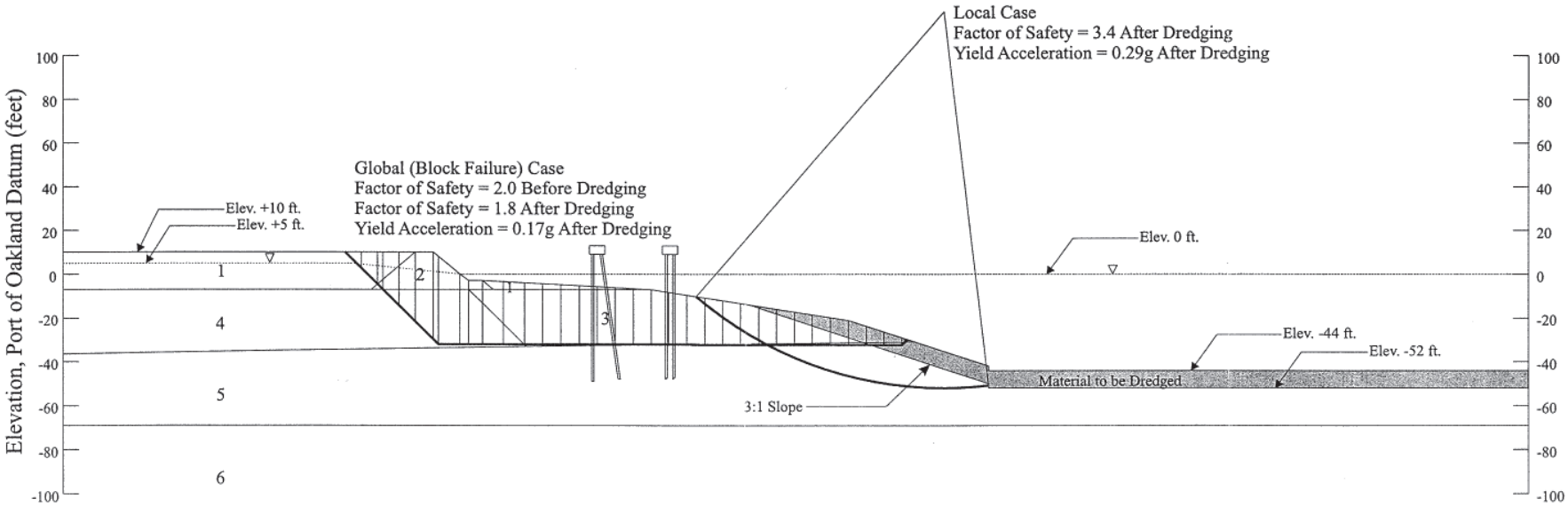
SCI Subsurface Consultants, Inc.
Geotechnical & Environmental Engineers

GEOTECHNICAL INVESTIGATION
-50 FOOT NAVIGATION IMPROVEMENT PROJECT
PORT OF OAKLAND, OAKLAND AND ALAMEDA, CALIFORNIA

JOB NUMBER	DATE	APPROVED
133.007	12/97	

PLATE 40

Layer No.	Soil Classification (Lithologic Unit)	Unit Weight (pcf)	Effective Friction Angle (degrees)	Effective Cohesion Intercept (degrees)	Undrained Shear Strength (psf)
1	Loose to Medium Dense Sand (Fill)	115	30	0	-
2	Rockfill (Old Training Wall)	145	50	0	-
3	Soft Clay (Young Bay Mud)	90	-		170 at El. -7 ft., increasing 11 psf/ft.
4	Medium Stiff Clay (Young Bay Mud)	95	-	-	350 at El. -7 ft., increasing 11 psf/ft.
5	Very Dense Sand (San Antonio Formation)	130	40	0	-
6	Very Stiff Clay (Old Bay Clay)	120	-	-	2000 at top of layer, increasing 30 psf/ft.



Approximate Scale 1" = 50'

0 50 100

SLOPE STABILITY ANALYSIS RESULTS
CROSS-SECTION J - J'

SCI Subsurface Consultants, Inc.
Geotechnical & Environmental Engineers

GEOTECHNICAL INVESTIGATION
-50 FOOT NAVIGATION IMPROVEMENT PROJECT
PORT OF OAKLAND, OAKLAND AND ALAMEDA, CALIFORNIA

JOB NUMBER	DATE	APPROVED
133.007	12/97	

PLATE 41

December 18, 2023 Comment Letter

EXHIBIT A

ATTACHMENT 3

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants

35+ YEARS

December 15, 2023
Project No. 403773005

Ms. Jennifer Ott
City Manager
City of Alameda
City Hall, 2263 Santa Clara Ave. Rm 320
Alameda, California 94501

Subject: Port of Oakland - Oakland Harbor Turning Basins Widening Draft Environmental Impact Report – December 2023
Comments and Review - Geotechnical Issues

Dear Ms. Ott:

Ala-149 As requested by the City of Alameda, this analysis addresses the potential adverse effects on the City of the above referenced Port of Oakland Inner Harbor Turning Basin (IHTB) Project and the adequacy of the Draft EIR (DEIR) analysis with respect to the geotechnical issues.

INTRODUCTION AND SUMMARY OF FINDINGS – GEOTECHNICAL ISSUES

Review of the Port's Draft EIR shows that it is inadequate in addressing the potential impacts from the following significant project related issues:

Ala-150
- The DEIR does not describe the existing deteriorated condition of the Alameda shoreline along the Inner Harbor Channel from the northwest tip of Alameda Point to the IHTB. While the US Navy has improved a section of the shoreline by placing rip-rap at Alameda Point, the Port has not addressed nor acted on this ongoing shoreline deterioration that is partially the result of the channel's prior deepening in 2009 and Port operations over the years.

Ala-151
- The deterioration cited above and risk to the stability of the shoreline will become more critical as sea level rise continues and larger ships are accommodated because of the project (USCOE, 2023 Appendix C Economics), and this has not been addressed in the DEIR.

Ala-152
- At the IHTB where the diameter will be significantly increased, the DEIR has not provided an adequate definition or engineering analysis of the currently proposed concept (sheetpile bulkhead) for shoreline protection following proposed removal of a portion of the

Alameda shoreline and associated existing shoreline infrastructure to implement the project. In addition, there has been no evaluation of alternative concepts/solutions for protecting the shoreline from damage and deterioration. As in the case of the Inner Harbor Channel, the DEIR has not addressed the serious impacts of sea level rise and, cumulatively, the past and future proposed project(s) that will impact the shoreline and infrastructure.

Ala-152

BACKGROUND

The Port of Oakland (Port) has prepared a Draft Environmental Impact Report (DEIR) - Oakland Harbor Turning Basins Widening, dated October 2023.

The Port, in partnership with the United States Army Corps of Engineers (USACE), is proposing the Oakland Harbor Turning Basins Widening Project (Proposed Project) at the Oakland Seaport (Seaport) in Alameda County, California. The Proposed Project involves widening the diameter of the two existing turning basins in the Seaport, one in the Outer Harbor Channel, and one in the Inner Harbor (Channel). The Inner Harbor Channel is in the waterway between the Seaport and Alameda, the widening of which directly affects the Alameda shoreline.

Ala-153

The Inner Harbor Turning Basin (IHTB) is currently a widened area that allows commercial vessels to turn around. The IHTB is currently approximately 1,500 feet in diameter. Planned significant widening of the IHTB to a diameter of 1,834 feet will result in the loss of private property along the Alameda shoreline to the southeast of the IHTB (referred to in the Draft EIR as the “Alameda Site”).

There is no plan to widen the Inner Harbor Channel along the Alameda/Alameda Point shoreline.

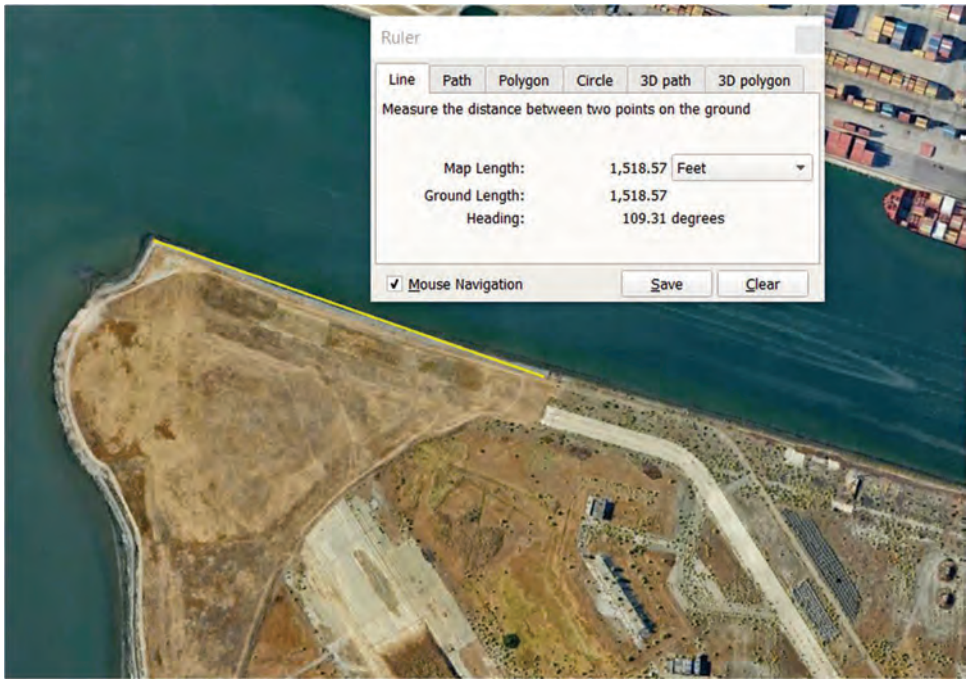
EXISTING CONDITIONS ALONG ALAMEDA SHORELINE INCLUDING SLOPE STABILITY

The current IHTB was previously widened and deepened during the Port’s 2009 “-50-foot project” to achieve a depth of -50 feet Mean Lower Low Water (MLLW datum). Since that time, the Inner Harbor Channel and IHTB have been periodically dredged to remove accumulated sediment.

Ala-154

Inner Harbor Channel Existing Conditions

Observation of the Inner Harbor Channel shoreline along Alameda on October 26, 2023, and discussions with the US Navy at Alameda Point (October 2023), reveals that along the far north/northwest shoreline, rip rap was placed recently (2020), along about 3,280 ft of the shore to improve the condition and enhance protection of the shoreline that had experienced deterioration. An approximately 1,500-foot-long length of the improved segment is directly adjacent to the Inner Harbor Channel (Google Earth, 2023), as shown below.



Farther east along the channel, the Alameda shoreline has experienced deterioration/degradation, including riprap displacement, cyclone fence displacement and damage, and damage to an old pier. The length of the most notably impacted shoreline is approximately 1,700 feet, as shown in the following figures:

Ala-154

Ala-154

The observed conditions and deterioration are mainly due to a combination of wave action from long-term maritime activities - vessel wakes and propeller wash from large ships, ferries, and tugboats maneuvering/transiting the channel over the full range of tide cycles (high and low tides). With rising sea levels and future proposed project operations, the deterioration of the existing shoreline will increase. The shoreline deterioration is exacerbated by wave action due to the prevailing annual average wind direction which is from the West

(https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg). This allows the generation of waves along the length of the channel and directly into the IHTB area.

Along this entire length of the Inner Harbor Channel on the Alameda side, there is no readily available information on the current conditions (scour/undermining of the slope, sediment deposition, slope angles and related) below the water level.

Ala-154

IHTB Existing Conditions

During the previous widening of the IHTB in 2009, a retaining structure and wharf was constructed where the boundary of the IHTB met the land on Alameda. This retaining structure consisted of a concrete bulkhead and a sheetpile wall that retains land. The slope beneath the bulkhead is protected by riprap.

The DEIR states that the proposed widening will involve the encroachment approximately 19 acres of privately-owned property with two warehouse buildings in Alameda. The warehouses stand on a pile-supported wharf. In addition, waterside areas adjacent to this property are locations for berthing fuel barges and tugboats.

Ala-155

The above-water portion of the existing concrete bulkhead is visible, but the physical conditions of the sheetpile wall, slope, wharf deck, and riprap below the wharf deck are not known.

EXISTING GEOTECHNICAL CONDITIONS AND REVIEW OF SLOPE STABILITY STUDIES ALONG ALAMEDA SHORELINE INCLUDING IHTB

Over many years there have been numerous geotechnical studies conducted by different consultants for, and in the vicinity of, the Port of Oakland. These areas include the Inner Harbor Channel, various berthing areas and terminals, the Outer and Inner Harbor Turning Basins, the backlands areas that were part of the Oakland Army Base and Naval Supply Center, Alameda Point, and others.

Ala-156

A key issue for shoreline areas and turning basins is slope stability. Slope stability analyses were previously conducted (SCI (1999) and Engeo (2013) for the -52 foot dredged condition, for Alameda Point east to the former Navy's FISC (Fleet Industrial Supply Center) and the IHTB. Those studies showed that the Factors of Safety (FOS) against static slope failure ranged from

1.1 to more than 3, with 5 of the 12 cases analyzed by SCI (1999) less than 1.5. Where the physical configuration has changed, for example, due to erosion or deterioration along the shoreline the calculated FOS may be lower and in some cases as low as 1.0, or lower. These cases represent "marginal" conditions where failure in the form of large displacements and subsidence, may be imminent. The project will exacerbate these already existing deteriorated conditions by accommodating large "mega" ships that require additional support to turn around in a much larger area, creating waves and currents that will contribute to deterioration of the shoreline in these already vulnerable areas.

Ala-156

Ala-157

A minimum long-term static FOS for slopes whose failure would cause significant damage should be 1.5 (e.g., FHWA, 2006). For the -50 foot deep channel and IHTB the total slope height from IHTB bottom to top of bulkhead wall, is significant, and as slopes increase in height design engineers generally use FOS of 1.5 or greater. If bulkhead and other shore protection features are designed for seal level rise, these slope heights will increase.

Alameda and the IHTB are in a very seismically active area. For seismic loading the primary consideration is how much shaking is enough to bring a slope to marginal condition, whereby during and following seismic shaking a slope may experience large displacements. The SCI and Engeo analyses included an estimate of the seismic-induced lateral deformation/displacement at each cross section. The analyses included the effects of liquefaction and lateral spreading and the displacement caused by the inertial (push/pull) forces during the earthquake.

Ala-158

SCI (1999) commented in their Table 3 that seismic performance was poor to good depending upon location. As shown in the SCI (1999) report in a table on Page 28, seismic slope deformations for seismic design were to be anticipated at every location along the shoreline.

ENGEO (2013) conducted analyses of the shoreline stability for two cross sections to confirm the SCI (1999) results, using then-current approaches to estimating seismic deformations and liquefaction potential. They reported that liquefaction and ground settlement was likely in a design earthquake and that lateral deformations could be extensive. This is consistent with the SCI (1999) results for the same locations. ENGEO estimated that lateral deformation up to 7 feet could occur, and deformations could extend as much as 1,000 ft inland. This is a serious concern.

The important findings here are that:

- There are a number of locations where the condition, stability, and potential for ground displacement of the existing slopes along the channel is poor – and have very likely deteriorated since the 2009/2013 studies were done. They will continue to deteriorate more over time as more and larger vessels use the channel and the IHTB. Ala-159
- The deterioration and increase in risk to Alameda shoreline conditions and stability are directly relevant to the widening of the IHTB unless they are satisfactorily identified and mitigated to the extent feasible. Ala-160
- These deteriorating conditions and the associated risk to shoreline infrastructure will only get worse as sea level continues to rise. Ala-161

REVIEW OF GEO IMPACTS STATED IN DEIR AND POTENTIAL ADVERSE EFFECTS OF THE PROJECT

The description of the proposed IHTB project on the Alameda Site is described in the DEIR Section 2.5.1 “Overview of Proposed Improvements and Construction Activity By Location”. This section describes a proposed conceptual bulkhead that would be similar to the proposed bulkhead at Howard Terminal. Ala-162

The CEQA Appendix G Environmental Checklist – Section VI titled “Geology and Soils” provides the basis for evaluating geo-related impacts of the Port’s expansion project. DEIR section 3.7 Geology/Soils describes these impacts, noting that the discussion in this DEIR section relies in part on United States Army Corps of Engineers (USCOE, 2023) “Oakland Harbor Turning Basins Widening Revised Draft Integrated Feasibility Report and Environmental Assessment, Appendix B2: Geotechnical. April”.

Comments on the GEO Impacts (Per CEQA Appendix G Environmental Checklist – Section VI. Geology and Soils) from the Draft EIR (From Section 3.7.4 Impact Analysis and Mitigation Measures, pages 3.7-8 through 3.7-11)

Impact GEO-1. Would the Proposed Project expose people or structures to strong seismic ground shaking (Checklist Item VI.a.ii) and seismic-related ground failure such as liquefaction?

- The project is located in a highly seismically active area and will affect both existing and new structures on or adjacent to the shoreline, wharves, and docks. Ala-163

- With the proposed reduction of the footprint of the existing wharf and foundation system at the southeast area of the proposed IHTB, the remaining wharf, its foundations, the ground and slopes beneath the wharf, and the warehouse structures should be analyzed now to evaluate their dynamic response to the seismic shaking (including liquefaction of the ground), which may be very different than the response in its current condition. Ala-164

- Seismic analyses should be conducted using accurate as-built structural/civil plans and the latest state-of-the-art seismic risk/exposure methods and detailed, not simplified, structural dynamics methods and tools. Without this, the DEIR lacks evidence supporting its conclusions. Ala-165

- Such analysis should include the cumulative effects of significant sea level rise which is predicted to occur during the lifetime of the IHTB. Ala-166

Impact GEO-2. Would the Proposed Project result in substantial soil erosion or the loss of topsoil (Checklist Item VI. b)?

- Enlarging the IHTB involves dredging or excavating soil along and into the existing shoreline. The existing condition of the land and slopes and slope protection both above and below the water should be evaluated in detail now as part of the existing environment and to ensure the conclusions of the impacts of the project incorporate consideration of these conditions. Ala-167

- An underwater inspection should be conducted and scour/erosion of the existing slopes and IHTB bottom should be documented now. Ala-168
- The DEIR should provide a thorough analysis of the effects of increased propellerwash and scour from the tugs that turn ships in the IHTB. This should also be conducted for the entire Alameda shoreline from the northwest tip of Alameda Point to the IHTB. This analysis should be conducted using the latest analytical methods and tools. Ala-169

- The slope stability analyses for the IHTB should establish how the proposed riprap will ensure protection of the slope, where loss of the slope could affect the stability of the bulkhead, and the infrastructure behind it. Ala-170

- Hydrographic surveys using multibeam echosounder methods should be conducted at least annually along the Inner Harbor Channel and at the IHTB. These surveys should include the slopes/riprap and bulkhead. Where surveys reveal scour and changes in the slope protection or the bulkhead, repair plans should be developed immediately to return these features to their original condition. Ala-171

- In the DEIR (Section 3.1.4 3.1.4. Impacts from Proposed Project Maintenance Activities) it is stated that “it is expected that the bulkhead would be visually inspected above and below water at an interval not to exceed three years.”. This interval is too long, and the bulkhead and shoreline behind the bulkhead should be inspected every 12 months at a minimum. Ala-172

- The proposed bulkhead's height, footprint, and robustness should be designed to mitigate expected sea level rise. Ala-173

Impact GEO-3. Would the Proposed Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Proposed Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Checklist Item VI. c)?

- SCI (1999) and Engeo (2103) state that lateral spreading and large ground displacements are likely to occur during seismic events both along the Inner Harbor Channel and in the IHTB area. The DEIR does not include any meaningful update to these older analyses. Ala-174
- There should be steps taken now, for the expansion of the IHTB perimeter into Alameda, to conduct a comprehensive detailed design-level geotechnical investigation, using the latest state-of-the-art methods and analytical tools to evaluate site-specific seismic risk, effects of seismic shaking on the ground (liquefaction, lateral spreading, settlement, increased earth pressures) as well as on the bulkhead/wharf/warehouse structures. Ala-175
- The USACE report on geotechnical conditions (Oakland Harbor Turning Basins Widening - Revised Draft Integrated Feasibility Report and Environmental Assessment, APPENDIX B2: Geotechnical Engineering, December 2021, Revised March 2023) in Section 8.1 discusses the Existing Conditions. However, there is no discussion of "Proposed Conditions" or "Design Considerations" for this part (Alameda Site) of the IHTB. There is no definitive design concept for the bulkhead/wharf. There is no discussion of a concept that would account for the serious effects of sea level rise. The report states that the existing bulkhead is supported on "vertical and battered concrete-filled steel piles", and yet infers that a new bulkhead wall shown in Section 6.2 would have a vertical sheet sheetpile wall, with a 1.5:1 slope and a riprap blanket on top of the slope. Ala-176
- The DEIR does not discuss other technically feasible alternatives to the shore protection bulkheads at the IHTB. Other options that should be evaluated include driven concrete pile and drilled pier bulkheads, tied-back steel sheet pile bulkheads, use of vinyl sheet piles instead of steel or concrete, wood pilings, and composite pilings. Ala-177

Cumulative Impact C-GEO-1. Potential for the Proposed Project, combined with reasonably foreseeable future projects in the vicinity, to result in significant cumulative impacts to geology, soils, seismicity, or paleontological resources.

The DEIR states that the only cumulative GEO impact could be related to paleontological resources, with no cumulative impacts related to geology, soils, and seismicity. This ignores the obvious deterioration of the shoreline has been ongoing and will continue without adequate remediation. It is certainly a cumulative impact. Ala-178

CONCLUSIONS

Review of the Port's Draft EIR shows that it is inadequate in addressing the potential significant impacts from the following significant issues:

- The DEIR does not address the deteriorated condition of the Alameda shoreline along the Inner Harbor Channel from the northwest tip of Alameda Point to the IHTB. While the US Navy has improved a section of the shoreline by placing rip-rap at Alameda Point , the Port has not addressed nor acted on this ongoing shoreline deterioration that is partially the result of channel deepening in 2009 and Port operations over the years. Ala-179

- The deterioration cited above and risk to the stability of the shoreline will become more critical as sea level rise continues, and this has not been addressed in the DEIR. Ala-180

- At the IHTB where the diameter will be significantly increased, the DEIR has not provided an adequate definition or engineering analysis of the currently proposed concept (sheetpile bulkhead) for shoreline protection following proposed removal of a portion of the Alameda shoreline and associated existing shoreline infrastructure. Ala-181

- In addition, there has been no evaluation of alternative concepts/solutions for protecting the shoreline from damage and deterioration. As in the case of the Inner Harbor Channel, the DEIR has not addressed the serious impacts of sea level rise on shoreline and infrastructure. Ala-182

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We appreciate the opportunity to be of service.

Respectfully submitted,
NINYO & MOORE

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EDUCATION

MBA, Finance/Management, 1984, University of Texas at Austin

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REGISTRATIONS/ CERTIFICATIONS

GE 2461 (California)

PE 51445 (California)

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FEMA Approved/Badged Contractor for Disaster Recovery Activities

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

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Mr. Dover has over 35 years of geotechnical engineering experience including design, construction and field engineering for large public and private sector infrastructure projects, site development and geotechnical engineering for complex industrial projects, and constructability evaluations. He has provided services for bridges and roadways, port and harbor facilities, airports, power plants, water conveyance and storage facilities, petrochemical facilities, oil and natural gas pipelines, earth structures, levees, offshore facilities, and commercial office buildings. Mr. Dover has worked on five continents and brings a practical perspective to the geotechnical services he provides.

EXPERIENCE

Caltrans, San Francisco-Oakland Bay Bridge East Span Seismic Safety Project, San Francisco, California: Deputy Project Manager for geotechnical studies San Francisco-Oakland Bay Bridge East Span Seismic Safety Project, and Project Manager for Pile Installation Demonstration Project (PIDP). The $8 billion project included the replacement of the entire east span of the bridge which was damaged in the Loma Prieta earthquake in 1989. The geotechnical investigation and engineering program consisted of deep marine and land borings, cone penetration tests, and geophysical surveys. The PIDP demonstrated that 300 ft long steel pipe piles, with 8 ft diameter, could be successfully driven deep into the Bay bottom, and the resulting bridge design included 160 piles. The resulting self-anchored suspension bridge was the longest of its type in the world.

City/County of San Francisco Airports Commission, San Francisco International Airport Runways Reconfiguration, San Francisco, California: Deputy Project Manager for Geotechnical Studies for the proposed reconfiguration of SFO's runways to provide greater separation that would enhance safety and reduce flight delays. The geotechnical exploration program consisted of soil borings and CPTs in the bay and on the existing airfield. Marine geophysical surveys were conducted to develop a clear picture of the bay bottom topography. The scope also included identification and quantification of sand fill sources within SF Bay and offshore. The geotechnical studies supported several different conceptual reconfigurations/layouts.

San Francisco International Airport Roadway Projects, Geotechnical Engineering and Paving Design, San Francisco, California: Geotechnical Project Manager for 5 new bridges and system of elevated circulation roads (ECR) associated with the SFO International Terminal development master plan. Conducted geotechnical exploration program consisting of soil borings and CPTs, assigned laboratory testing, interpreted test results, conducted pile load testing program (including loads up to 500 tons), developed pavement designs, and provided geotechnical capacities for both deep pile foundations and shallow spread footings.

California State Lands Commission (SLC), "La Jenelle" Breakwater/Jetty Evaluation, Oxnard, California: Project Manager for the assessment and evaluation of safety improvements, including complete removal. La Jenelle was a 467-ft-long former cruise ship that ran aground on Silver Strand Beach near the north entrance to Port Hueneme in 1970. The ship was later partially removed by slicing through the hull. Concrete and quarry rock and sand were dumped onto the remaining structure to create a fishing jetty that is part of the breakwater on the north side of the entrance

to Port Hueneme. The SLC was concerned about the safety of this structure, and the liabilities created, as it had deteriorated over time due to corrosion and constant tide/wave action. Multiple options to resolve the safety issues were developed along with cost estimates, and presented to the SLC. The structure/ jetty has since been incorporated into La Jenelle Park.

Chevron Future Growth Project (FGP), Atyrau and Tengiz, Kazakhstan: Lead Geotechnical Subject Matter Expert (SME) and Field Engineer on Owner's Delivery Team for this $45 million world-class capital project that will increase oil production capacity of the supergiant Tengiz field by 50%. Provided geotechnical and civil/structural field engineering support to all construction teams and managed geotechnical, topographic, and pipeline surveys for owner. Approved all geotechnical/civil/structural RFIs.

Chevron Nigeria Escravos Gas-to-Liquids (EGTL) Project, Escravos, Nigeria: Lead Geotechnical/Structural/Civil Field Engineer during construction of the $8.6 billion EGTL plant, which is the first GTL facility of its size and type to be built in a remote location on a swamp near the ocean. Facility components included large tanks, process vessels, cold boxes, process modules, piperacks, piping, underground structures, outfalls, buildings, wharf/jetty, mooring/breasting dolphins, camp for 7,000 people, site drainage, water wells, heavy haul roads, retaining walls, tank farm lining systems, riverbank slope protection, security fences, and related items. Foundation systems included floating (piled) rafts, conventional piles, and large shallow foundations (slabs and footings).

Chevron Nigeria Ltd, Remediation of New Wharf Piles Defective Design Escravos Gas to Liquid (EGTL) Plant Construction, Escravos, Nigeria: Provided on-site geotechnical review and evaluation of piling design for new marine wharf to be used for off loading heavy modules and process vessels (up to 2,000 metric tons). Several hundred open ended steel pipe piles, 45 m (148 ft) long and 30-in OD, were driven as one section. During driving of the first piles it was discovered that the driving resistance was too low, and the review of the design showed that the design lengths were too short. Managed a program to add on to the piles and redrive them to the desired design depth and capacity.

Chevron Angola LNG, Feasibility Study and Dredged Land Reclamation Consultation, Soyo, Angola: Project Manager for Geotechnical Site Development and Foundation Design Consultation. This site was a quiet shallow backwater swamp located just south of where the Congo River flows into the Atlantic Ocean. Working with the client's team, developed a 3-D subsurface model of the geotechnically complex site, developed a conceptual dredging and reclamation program, and provided the foundation basis of design to the Engineering, Procurement, and Construction (EPC) contractor.

Chevron Bangladesh, Gas Field Production and Processing Facilities, Bibiyana Field, Bangladesh: Subject Matter Expert for geotechnical and civil engineering review and evaluation of riverbank erosion threats from seasonal monsoon flooding of the adjacent river. Provided opinion and guidance for increasing protection of the riverbank and gas field, and reviewed proposed protection design details.

Tutor-Saliba/Koch/Tidewater JV, Seismic Retrofit of Richmond - San Rafael Bridge, San Francisco Bay, California: Project Manager providing geotechnical/foundation consulting services to contractor during seismic retrofit of the main bridge and a replacement causeway. This 5-mile-long bridge is a major toll bridge in the SF Bay area. Part of the main span's robust foundation retrofit design included the installation of 26 new, large diameter piles, including eleven 3.81 m (12.5 ft) diameter, cast-in-drilled-hole (CIDH) marine piles that were drilled 9.15 m (30 ft) into the bedrock beneath the Bay, where the water depth ranged up to about 21.3 m (70 ft). These reinforced concrete-filled composite piles have a steel shell permanent casing from the bridge substructure pile cap through the water column and 30.5 to 39.6 meters (100 ft to 130 ft) of marine sediments to the top of rock. For the causeway, provided geotechnical engineering review and opinion to support contractor's claim of changed site conditions that affected installation of driven steel pipe piles, which prevailed with the Owner (Caltrans).

City and County of San Francisco, Hetch Hetchy Water and Power System, Moccasin Reservoir Enlargement Assessment and Evaluation, Tuolumne County, California: Project Manager for geotechnical studies for deepening the reservoir. The 29-acre reservoir is an afterbay for the Moccasin hydroelectric plant and over decades had become filled with sediment. The loss of volume capacity had affected the plant output, and a concept to deepen the basin was proposed. Field work to collect samples of the accumulated sediment (mainly silt) was conducted over a three-day weekend when the reservoir was drained. Several dozen test pits were dug by hand to the bottom of the sediment, which ranged from a few inches to a few feet thick, and samples collected

for testing. Based on the sediment depths, an estimate of the volume of sediment to be removed was provided. An additional task included developed a shoreline retention system to minimize erosion of the bank.

Port of Oakland, Fill Containment and Shoreline Design, North Cell (Middle Harbor Area), Oakland, California: Project Manager for geotechnical engineering for the Vision 2000 program's development of a section of port backlands and the Middle Harbor Shoreline Park, on land that was the former Naval Supply Center. A key feature of this project included a 45-ft-high submerged rockfill dam to contain the port's new shipping container storage and handling backlands area. Both bay mud and sand fill were dredged from the harbor area, and placed behind the new rock dam. Surcharging with the use of extensive wick drains program was used to consolidate the mud and reduce the potential for future settlement.

Port of Oakland/U. S. Army Corps of Engineers, Inner Harbor Turning Basin Widening Project Design, Oakland, California: Project Manager for the geotechnical investigation and design for widening the existing basin. Drilled overwater borings, managed soil testing program, and provided geotechnical parameters for soil excavation and shoreline retaining/seawall design.

City of Dixon, Leaking Sewer Main Lines, Forensic Consultation, Dixon, California: Retained by City's outside legal counsel to investigate leakage in a newly constructed 18,000-foot-long, 30 to 42-in diameter Vitrified Clay Pipe (VCP) sewer system. Reviewed construction records, interviewed City and construction personnel, reviewed video footage of internal pipeline conditions, recommended and observed excavations around pipelines and manholes, reviewed water sampling test results to confirm source of water found in pipes, and calculated likely leakage volumes and flow rates based on observed defects. Tested pipe bedding and backfill materials in the field. This study revealed that leakage had occurred in a number of cracked pipe sections, due to inadequate compaction of fill in pipeline haunch areas, and at precast manholes where large holes in the bottom were discovered.

Caltrans, On-Call Geotechnical Consultation, Northern California Districts: Project Manager for 3-year contract to conduct geotechnical investigations and designs for roads and bridge projects in Northern California. Managed site exploration investigations, soil and rock testing, and development of geotechnical design parameters and recommendations.

Confidential Client, Support for Changed Conditions Claim During Pipe Jacking, Northern California: Technical expert for Contractor involved in a dispute regarding subsurface conditions during sewer pipe (48-in OD) jacking and equipment support in soft nearshore soils. Contractor was having difficulty maintaining grade and alignment of the jacking machine and pipe. Owner maintained that Contractor had been provided sufficient geotechnical information to show that the predominant clay was soft, and that Contractor should have planned for this condition. Conducted a detailed data review and discovered that there was a thick layer of peat at the location, which is fundamentally different than clay, and peat was causing the alignment problem. The characterization of the peat layer as being clay was incorrect, and this materially affected the work. Contractor prevailed in the changed condition claim.

Hunt LNG Operating Company, LNG Plant and Marine Terminal Construction, near Pisco, Peru: Provided on-site geotechnical consultation to evaluate a large active, creeping landslide at this coastal location in a highly seismically active area. The landslide was triggered by dumping of about 750,000 tons of excavated earth and rock material on a talus slope below the 450 ft high coastal bluff where the main plant facility was being constructed. Owner had expressed concern that seismic shaking might cause a catastrophic landslide that could affect the main plant on the bluff and the planned beach-level marine loading jetty for loading LNG tankers. Visited the site, reviewed the area topography and boring logs and identified a very thin horizontal clay layer below the beach level that was the likely sliding plane. Conducted global slope stability analyses to demonstrate that movement along this failure surface during a large seismic event would not likely affect the plant, although it could affect the marine jetty. A special cyclic ring shear test was conducted to investigate the stress-strain behavior of this clay layer to repeated shearing. The jetty foundation design was changed to provide more resistance to soil movement. A main recommendation was to significantly regrade the dumped material area to reduce the load on the slope, and stop the slope/mass creeping.

December 18, 2023 Comment Letter

EXHIBIT A

ATTACHMENT 4

Attachment 4

CITY OF ALAMEDA'S COMMENTS ON OAKLAND HARBOR TURNING BASINS WIDENING DRAFT EIR

Suggested Revisions and Additions to DEIR's Proposed Mitigation Measures

(term added | ~~term removed~~)

Table ES-1: Summary of Proposed Project Impacts, Mitigation Measures, and Resulting Level of Significance

Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
Air Quality		
Impact AIR-1: Would the Proposed Project conflict with or obstruct implementation of an applicable air quality plan?	**MM AIR-1: Construction Air Quality Mitigation Measures** **The Port shall implement the following emission reduction measures and provide documentation to the City of Alameda's Planning Department and Department of Public Works for review and approval prior to the issuance of any building or construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure). The documentation shall include an equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, and protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with this measure. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.** The Port shall require ~~the~~ **all** contractor**s** to implement construction-related air quality emission **monitoring and** reduction measures. All requirements ~~will~~ **shall** be included **as contract conditions** in applicable bid documents **and**	Significant and Unavoidable

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	specifications, purchase orders, and contracts~~,~~ with the contractors demonstrating the ability to implement all air-quality mitigation techniques and supply the compliant on- or off- road construction equipment for use prior to any ground- disturbing and construction activities. The documentation submitted to the City shall also contain a Certification Statement signed by each construction contractor agreeing to comply fully with the measures and acknowledging that failure to comply with the measures shall constitute a material breach of contract. The Port shall implement all of the following measures during construction of the Project ~~are~~ as follows: a. Require all diesel-fueled off-road construction equipment used on land to be equipped with United States Environmental Protection Agency Tier 4 final compliant engines or better, as certified by the California Air Resources Board (CARB), as a condition of contract and as agreed to in the Certification Statement. All equipment shall be properly maintained and tuned in accordance with manufacturer specifications, and shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") Upon request by the City (and the Air District, if requested), the Port shall provide written documentation that fleet requirements have been meet. An exception to the requirement for engines that meet Tier 4 Final emission standards may be granted if ~~unless~~ a unique piece of equipment is not available as a Tier 4 engine. To qualify for an exception, the Port shall provide the City with evidence supporting its conclusion that equipment meeting the Tier 4 standards is not available and shall use the next cleanest piece of off-road equipment. b. Use zero-emission and hybrid-powered equipment, to the greatest extent possible. The performance criterion for meeting this standard assumes availability by at least two commercial rental facilities in the San Francisco Bay Area Air Basin, to the greatest extent possible. This requirement shall include the use of zero-emission dredges, consistent Boar of	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	Commissioner Resolution 21-61. To the extent this equipment is not available, all alternate options shall be equipped with the Best Available Control Technology for emission reductions and that meet CARB's most recent certification standards. Portable equipment shall be powered by grid electricity if available. If grid electricity is not available, propane or natural gas generators shall be used. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. c. Require all on-road heavy-duty trucks to **utilize either Zero Emissions Technology or RNG/CNG diesel fuel alternatives. To the extent Zero Emissions Technology is not available when Project construction begins and does not later become available during Project construction, all on-road heavy-duty trucks shall utilize diesel fuel alternatives, such as RNG/CNG that** conform to the **California Air Resources Board's** most stringent **fuel efficiency and** emissions standard**s** as a condition of their contract. This currently means a 2015 model year or newer truck. d. ~~Minimize~~ **I**dling time **shall be avoided or minimized to the greatest extent feasible,** either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes **and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations")**. Provide clear signage that posts this requirement for workers at the entrances to the site. The Port ~~will~~ **shall** conduct random monthly surveys to check for compliance with idling times to ensure compliance with this measure. e. Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment shall be checked by a certified mechanic in accordance with manufacturer's specifications and determined to be running in proper condition prior to operation. **Equipment check documentation shall be kept at the construction site and be available for review by the City, Port, and Air District as needed.**	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	f. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered **at least** two times per day. **Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever feasible.** g. All haul trucks transporting soil, sand, or other loose material off site shall be covered and shall maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). h. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or other suitable practices to remove dirt from tire mechanisms shall be employed to minimize occurrences of track-out. The use of dry power sweeping is prohibited. i. All vehicle speeds on unpaved roads shall be limited to 15 mph. j. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. k. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph in a given hour. l. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. m. Unpaved roads providing access to sites 100 feet or further from a paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. n. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the **City of Oakland or the City of Alameda's Code Enforcement units and the BAAQMD** ~~lead agency~~ regarding dust complaints. This person shall respond and take corrective action within 48	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	hours. The Air District's General Air Pollution Complaints number shall also be posted on a publicly visible sign to ensure compliance with applicable regulations. o. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities. p. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. q. Plant **and maintain** vegetative ground cover (e.g., **non-toxic** fast-germinating native grass seed) in disturbed areas as soon as possible and water the ground cover appropriately until vegetation is established. r. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. s. Minimize the amount of excavated material or waste materials stored at the site. t. **Apply** hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are expected to be inactive for at least 10 calendar days. **Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).** u. **Demolition and disposal of building materials shall be conducted in accordance with the procedures specified by BAAQMD Regulation 11, Rule 2 (Hazardous Materials – Asbestos Demolition, Renovation, and Manufacturing) and shall be adhered to during the demolition and construction process.**	
Impact AIR-2: Would the Proposed Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an	**MM AIR-1: Construction Air Quality Mitigation Measures** **MM AIR-2: Air Quality Monitoring and Reporting** **a. The Port shall install and maintain air monitoring stations in and around the expanded turning basin area, particularly at the Alameda Site's sensitive receptors and residences (e.g., Bay 37, Tri Pointe Homes, North**	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
applicable federal or state ambient air quality standard?	Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue) that border the Project site. These stations should regularly collect air quality data to ensure pollutants to not exceed the City's thresholds of significance. The Port shall compile and report these findings to the City of Alameda Planning Department and Department of Public Works on a quarterly basis. b. During Project operations, the Port shall ensure that dock doors, loading zones, and other on-site operations are located furthest from sensitive receptors, including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue.	
Impact AIR-3: Would the Proposed Project expose sensitive receptors to substantial pollutant concentrations?	**MM AIR-1: Construction Air Quality Mitigation** Measures MM AIR-3: Air Quality Measures for Sensitive Receptors a. The Port shall require, as a condition to all construction bid contracts, all construction staging facilities, entry points, exit points, loading zones, and other on-site construction activities on the Alameda Site to be sited at least 1,000 feet away from the nearest sensitive receptors, including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue. In doing so, the Port shall establish property line setbacks and transition zones between property lines and sensitive receptors nearest to the IHTB facilities and construction staging sites, including loading areas and truck area. b. The Port shall require installation of air filters at sensitive receptors within a 600-foot radius of the expanded turning basin area and all construction areas, in particular at all residences located at Bay 37, Tri Pointe Homes,	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue that neighbor the Alameda Site. c. The Port shall establish, for review and approval by the City of Alameda's Department of Transportation, Department of Works, and/or Planning Department before the issuance of any construction-related permit, truck routes that avoid sensitive receptors around the Alameda Site.	
Impact C-AIR-1: Potential for the Proposed Project, combined with reasonably foreseeable future projects in the vicinity, to expose sensitive people to substantial pollutant concentrations.	**MM AIR-1: Construction Air Quality Mitigation** Measures MM AIR-2: Air Quality Monitoring and Reporting MM AIR-3: Air Quality Measures for Sensitive Receptors	
Noise		
Impact NOI-1: Would the Proposed Project generate a substantial temporary or periodic increase in ambient noise levels at sensitive receptors.	MM NOI-1A: Construction Noise Reduction Plan Required Prior to any noise generating construction activities, the Port shall retain a qualified acoustical consultant to devise a Construction Noise Reduction Plan for City review and approval. The Port shall implement the approved Plan during construction and enforce its noise reducing measures, techniques, and requirements through its inclusion on all construction bid specifications for all potential construction contractors hired within and/or for the Oakland Turning Basins Expansion Project. a. The bid specifications shall require that construction contractors provide an equipment inventory list for all equipment within the fleet with greater than 50 horsepower engines, that includes (at a minimum), make, model, and horsepower of equipment; operating noise levels at 50 feet, available noise control device that are installed on each piece of equipment; and associated noise reduction from the installed technology. Control devices shall include, but are not limited to, high-efficiency mufflers, acoustic	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	dampening and protected internal noise absorption layers to vibrating panels, enclosures, and electric motors. In addition, the contractor shall specify how proposed alternative construction procedures will be employed to reduce noise at sensitive receptors compared to other more traditional methods. Examples include, but are not limited to, welding instead of riveting, mixing concrete off-site instead of on-site, use of thermal lance instead of drive motors and bits, and hydraulic pile driving or auger piles instead of impact pile driving. In all cases, the requirement is that the best commercially available noise-reducing technology and noise-reducing alternative construction method shall be used, provided that there are no safety concerns, engineering limits, or environmental constraints preventing it from being used. b. The Plan shall also specify additional attenuation measures and best practices to further reduce extreme noise generating construction activities (activities generating greater than 45 dBA). c. The Plan shall also specify additional attenuation measures and best practices to further reduce construction noise impacts to sensitive receptors that reside in the neighboring residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue. d. The Plan shall evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts e. The Plan shall monitor the effectiveness of noise attenuation measures by taking noise measurements and reporting those measurements on a quarterly basis to the City of Alameda City Council. f. If a unique circumstance does exist that prevents an alternative quieter construction method to be used, the contractor shall provide evidence to	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	support their proposal. The noise reduction elements of construction bid submittals shall be approved by the City of Alameda Planning and Public Works Departments, in coordination with a qualified acoustical professional, and shall be required to comply with the public notification requirements set forth in MM NOI-1E.	
	MM NOI-1~~A~~B: Construction and Pile Driving Noise-Reducing Techniques and Muffling Devices The Port shall prohibit construction activities which would exceed 45 dBA interior noise standards at the closest sensitive receptor(s) from occurring during nighttime hours. All daytime construction activities shall adhere to the decibel limitations and time frames provided in the corresponding jurisdiction's local noise ordinance, including the City of Oakland and the City of Alameda's respective noise ordinances. The Port shall require ~~the~~ that all construction contractors ~~to~~ use noise-reducing construction and pile-driving techniques, measures, and equipment ~~if~~ for all construction activities conducted within 1,500 feet of receptors identified in **Table 3.12-14** that could be subject to significant construction and pile-driving noise. This requirement shall be enforced through its inclusion on all construction bid specifications for all potential construction contractors hired within the Oakland Turning Basin Expansion Project. Construction contractors shall be required to use the best available noise control techniques for construction equipment, including, but not limited to ~~with~~ state-of-the-art noise shielding and muffling devices, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds. The Port shall ensure that construction contractors implement "quiet" pile driving technology, such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration, where such technologies are acceptable given geotechnical and structural requirements and conditions. For impact hammer driving, these techniques shall include use of cushion blocks	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	during pile installation activities within 1,500 feet of sensitive receptors in Oakland and Alameda. **Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavailable,** ~~T~~the impact pile hammer shall be cushioned using a wood cushion block or other material sufficient to obtain an 11 dBA reduction for all impact hammer pile-driving operations. **The construction equipment staging areas shall be located on the opposite side from sensitive receptors (including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue), unless site specific conditions preclude that, in which case the staging area shall be located as far away as possible from the nearest sensitive land use. All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.** **All construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dBA over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. In addition to the use of backup alarms, the construction contractor shall consider other techniques such as observers and the scheduling of construction activities such that alarm noise is minimized.** **Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.**	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations. **When existing and future noise sensitive uses are within close proximity to prolonged construction noise, noise attenuating buffers such as structures, truck trailers, temporary noise curtains or sound walls, or soil piles shall be located between noise sources and the receptor to shield sensitive receptors from construction noise** **The noise reduction elements of construction bid submittals shall be approved by the City of Alameda Planning and Public Works Departments, in coordination with a qualified acoustical professional, and shall be required to comply with the public notification requirements set forth in MM NOI-1D.** ~~For all pile-driving activities, at least 14 calendar days prior, the Port, in coordination with USACE, shall notify residents within 1,500 feet of the pile-driving activities of the dates, hours, and expected duration of such activities.~~	
	MM NOI-1~~B~~C: Erection of a Temporary Noise Barrier To address significant **daytime and** nighttime noise impacts at the Mosley Avenue**, Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and the Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue** residences in Alameda, the Port shall require contractors, as a condition of contract, to construct a temporary 12-foot noise barrier along the southern edge of the harbor on the Alameda side of the turning basin during nighttime dredging activities at the Alameda Site. The barrier shall be installed at a location approximately 220 feet from the noise source and 380 feet from the nearest receptors. **As depicted in Figure [#], t**he barrier's location would serve as a lateral extension of the existing warehouse structure on the Alameda Site, north of the athletic fields. The barrier shall be of solid construction with no apparent gaps. Barriers are generally constructed with two layers of 0.5-inch-thick plywood (with joints staggered), and K-rail or other support; or a limp	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	mass barrier material weighing 2 pounds per square foot. **If the noise levels prove to be too loud during construction at locations other than sensitive receptors, the location of the noise barrier shall be expanded to include all additional noise-generating portions of the Project.**	
	MM NOI-1~~C~~D: Truck Operation Restriction and Roadway Noise Level Reduction in Alameda **As part of the Construction Noise Reduction Plan required by MM NOI-1A and the Traffic Control Plan required by MM TRA-1, prior to any issuance of a construction or building permit, or any noise-generating activities, t**he Port shall **develop, in consultation and with the approval of the City of Alameda's Departments of Transportation, Public Works, and Planning, conditions that all** ~~require~~ contractors~~, as a condition of contract,~~ **will** ~~to~~ monitor and limit truck trip generation so that no more than 23 truck trips per hour (approximately one truck every 3 minutes) enter or egress the Alameda Site work area ~~as part of the Project Traffic Control Plan~~. **To reduce the significant noise levels associated with truck trip generation and traffic on Main Street, and prior to implementation of the Project, the Port shall install a rubberized hot mix asphalt overlay (RHMA) or equivalent surface treatment with known noise reducing properties on top of the existing conventional asphalt of Main Street along the segments identified below. The RHMA overlay shall meet the following conditions:** • **A RHMA overlay shall be installed on top of the existing conventional asphalt on the segment of Main Street that extends from West Atlantic Avenue to the furthest northwestern point of the Alameda Shoreline.** • **The RHMA overlay shall be designed with appropriate thickness and rubber component quantity (typically 15 percent by weight of the total blend), such that traffic noise levels are reduced by an average of 4-6 dB (noise levels vary depending on travel speeds, meteorological**	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	conditions, and pavement quality) as compared to current noise levels. • Prior to installation of any RHMA overlay, the Port, in consultation with the City, shall hire a qualified acoustical engineer to review all design parameters to ensure that the RHMA design is adequate, based on most current technology, practices, and availability of products, such that, at a minimum, 4 dB in noise reduction relative to conditions without a RHMA overlay would be achieved.	
	MM NOI-1E: Public Notification Required a. The Port shall notify property owners and occupants located within 500 feet of the construction activities (including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue) of anticipated construction activities at least 14 calendar days before those activities commence. The Port shall provide the same owners and occupants with a second notice 72-hours before those activities commence, and the notice shall contain all pieces of information listed below. b. Prior to providing the notice, the Port shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall: i. Provide the estimated start and end dates of the extreme noise generating activities; ii. Provide the estimated duration of noise-generating activities; iii. Describe noise attenuation measures to be implemented; iv. Provide contact information for on-site supervisor or personnel overseeing noise-generating activities and the Noise Complaint Liaison.	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	c. The Port shall create a website that includes information on construction activities and includes when, where, and for how long noise generating construction activities would occur. In addition, prior to the beginning of construction written notification of construction activities shall be provided to all noise-sensitive receptors located within 2,500 feet of construction activities. Additional notifications may be provided if there are substantive changes in construction operations or noise generating activities (e.g., need for nighttime construction, special notice for blasting). Notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive.	
	MM NOI-1F: Noise Compliance Liaison a. The Port shall submit to the City of Alameda for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction to facilitate and ensure compliance with the City of Alameda's Community Noise Ordinance (Alameda Mun. Code, § 4-10.8; General Plan HS-61). b. At a minimum, the procedures for tracking and responding to noise complaints shall include, but are not limited to: i. Designation of an on-site construction complaint and enforcement manager for the Project; ii. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement unit; iii. Protocols for receiving, responding to, and tracking received complaints; and	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	iv. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. v. The telephone number of the Noise Compliance Liaison shall be conspicuously posted at the construction site and shall be provided to the City. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.	
	MM NOI-1G: Noise Monitoring Reports a. As part of ongoing construction noise monitoring for the project, monthly reports will be prepared and sent to the contractor to be forwarded to Alameda City Planning and Public Works staff no more than two (2) weeks from the end of the noise assessment period being reported. The report will detail hourly Leq noise levels during construction hours and a comparison to the ambient baseline noise measurements conducted prior to construction. Furthermore, extreme noise generating events above 60 dBA will be documented. Attempts will be made to identify the source of any noise, which causes an exceedance of the standards. b. Since specific noise levels at adjacent noise-sensitive properties will depend on the location of construction activities within the site, bi-weekly site visits shall be conducted in addition to continuous noise monitoring. Additional specific mitigation measures can be developed as needed based on the results of the monitoring throughout the construction of the project to meet the intent of the City of Alameda's criteria.	
	MM NOI-1H: Physical Improvements or Off-Site Accommodations for Substantially Affected Receptors a. The Port shall provide physical improvements or temporary accommodations for the existing and planned residents of the Barbers Point, Bay 37, Mitchell Avenue, Mosley Avenue, and Barnhill Marina residences during impact or vibratory pile driving activities, including	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	nighttime dredging and related construction activities, when it occurs within 600 feet with of these residences or other sensitive receptors. i. Physical improvements may consist of installation of storm windows in specific out-facing residences and/or temporary installation of acoustical blankets on the outside of the structure facing the pile driving activities. ii. The accommodation option may be provided for the duration of pile driving and dredging activities. A temporary relocation Plan shall be developed by the Port and submitted to the City of Alameda Department of Public Works, Department of Planning, and City Council for review that specifies the duration of the accommodation and the type of accommodation (e.g., hotel or other). Once finalized, the affected residents shall be contacted six (6) months prior to construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocations as developed within the Temporary Relocation Plan.	
Impact NOI-2: Would the Proposed Project generate excessive groundborne vibration or groundborne noise levels?	MM NOI-2: Vibration Control Plan and Reduction Measures a. For all pile driving or vibration-causing activities within 600 feet of an occupied residence/building or other sensitive receptor, including all residences located at Bay 37, Tri Pointe Homes, North Housing, Admirals Cove, Cardinal Point Retirement Home, and the Barnhill Marina communities, and those along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue a Vibration Control Plan shall be developed by the Port and the construction contractors, to be submitted to and approved by the City, prior to issuance of any grading or construction permits. The plan shall consider all potential vibration-inducing activities that would occur within the distance parameters described above and include various measures, setback distances, precautions, monitoring programs, and alternative methods to traditional pile driving activities with the potential to result in structural damage or	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	excessive noise. Items that shall be addressed in the plan include, but are not limited to, the following: i. Minimum setback requirements for different types of ground vibration-producing activities (e.g., pile driving) for the purpose of preventing damage to nearby structures shall be established based on the proposed pile driving activities and locations, once determined. Factors to be considered include the specific nature of the vibration producing activity (e.g., type and duration of pile driving), local soil conditions, and the fragility/resiliency of the nearby structures. Established setback requirements (i.e., 100 feet) can be breached if a project-specific, site-specific analysis is conducted by a qualified geotechnical engineer or ground vibration specialist that indicates that no structural damage would occur at nearby buildings or structures. ii. Minimum setback requirements for different types of ground vibration producing activities (e.g., pile driving) for the purpose of preventing negative human response shall be established based on the proposed pile driving activities and locations, once determined. Established setback requirements (i.e., 300 feet) can be breached only if a project-specific, site-specific, technically adequate ground vibration study indicates that the buildings would not be exposed to ground vibration levels in excess of 80 VdB, and ground vibration measurements performed during the construction activity confirm that the buildings are not being exposed to levels in excess of 80 VdB. iii. All vibration-inducing activity within the distance parameters described above shall be monitored and documented for ground vibration noise and vibration noise levels at the nearest sensitive land use and associated recorded data submitted to the City of Alameda so as not to exceed the recommended FTA and Caltrans levels.	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	iv. Alternatives to traditional pile driving (e.g., sonic pile driving, jetting, cast-in-place or auger cast piles, non-displacement piles, pile cushioning, torque or hydraulic piles) shall be considered and implemented where feasible to reduce vibration levels. b. To reduce vibration and noise impacts from construction activities, the construction contractor shall comply with the following measures: i. Pile driving activities shall be limited to the daytime hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 5:00 p.m. Saturday and Sunday. ii. Pile driving activities greater than 60 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. No pile driving greater than 60 dBA shall be allowed on weekends and National holidays. iii. If pile driving is used, pile holes shall be predrilled to the maximum feasible depth to reduce the number of blows required to seat a pile. iv. All construction equipment on construction sites shall be operated as far away from vibration-sensitive sites as reasonably possible. v. Earthmoving and ground-impacting operations shall be phased so as not to occur simultaneously in areas close to sensitive receptors, to the extent feasible. The total vibration level produced could be significantly less when each vibration source is operated at separate times. c. The Port shall also comply with the physical improvements or off-site accommodation requirements prescribed by MM NOI-1H for all vibration-producing activities, including nighttime dredging and related construction activities, that occur within 600 feet of residences and sensitive receptors. MM NOI-1H: Physical Improvements or Off-Site Accommodations for Substantially Affected Receptors	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
Impact C-NOI-1: Potential for the Proposed Project, combined with reasonably foreseeable future projects in the vicinity, to result in significant cumulative noise and vibration impacts.	MM NOI-1A: Construction Noise Reduction Plan Required **MM NOI-1~~A~~B: Construction and Pile Driving Noise-Reducing Techniques and Muffling Devices** **MM NOI-1~~B~~C: Erection of a Temporary Noise Barrier** **MM NOI-1~~C~~D: Truck Operation Restriction and Roadway Noise Level Reduction in Alameda** MM NOI-1E: Public Notification Required MM NOI-1F: Noise Compliance Liaison MM NOI-1G: Noise Monitoring Reports MM NOI-1H: Physical Improvements or Off-Site Accommodations for Substantially Affected Receptors MM NOI-2: Vibration Control Plan and Reduction Measures	
Transportation		
Impact TRA-1: Would the Proposed Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	**MM TRA-1: Traffic Control Plan** The Port and ~~shall require~~ the construction contractor, as a term of the construction contract, ~~to~~ shall develop a comprehensive construction traffic control plan (TCP) that is designed and includes measures to minimize the effects of Project-related construction traffic on overall circulation, including traffic, transit, bicycle, and pedestrian routes, safety, and emergency access, which shall be submitted to the City of Alameda's Transportation, Planning, and Public Works Departments for review and approval prior to the issuance of the first construction-related permit. The TCP shall disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the City of Alameda near the Proposed Project Site is maintained to the extent possible, with particular focus on ensuring pedestrian, transit, and bicycle connectivity and access to the Bay and to recreational uses to the extent feasible. The TCP shall	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by the City of Alameda Department of Public Works, the Department of Transportation, or other City departments and agencies. **The Plan shall be reviewed and approved by the City's Department of Planning, Fire Department, Department of Transportation, Public Works Department, and others as needed. The TCP shall contain measures to minimize potential construction impacts, including measures to comply with all construction-related mitigation measures (including all additional regulatory permit conditions and applicable conditions of approval) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management.** **In order to minimize site grading, infrastructure and IHTB construction impacts on access for nearby residences, institutions, and businesses, the Port shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation), and travel lane closures via a website and/or quarterly construction update meetings with neighbors.** **As part of the TCP, the Port shall provide quarterly updates to the Alameda Planning Department, the Alameda Department of Public Works, and the Alameda City Council confirming that construction contractors have complied and will continue to comply with truck trip limitations.** Measures in the construction TCP ~~would~~ **shall** include at minimum the following: • Site plans for ingress and egress locations showing existing signage/striping, speed limits, locations of proposed temporary traffic controls (e.g., signage, flaggers), and detours (if required), to minimize	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	vehicle, bicycle and pedestrian conflicts and ensure safety for all travelers, particularly during periods of heavy hauling activity; • **Guidance on the number and size of trucks per day entering and leaving the Project sites;** • **Identification of arrival/departure times that would minimize traffic impacts;** • **Location of proposed construction staging areas;** • **Methods for partial/complete street closures (e.g., timing, signage, location, and duration restrictions);** • **Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;** • **Methods for coordinating** ~~Encourage~~ passenger vehicle use of alternative routes (to avoid construction traffic); • **Limitations on construction activities during peak/holiday weekends and special events;** • Identification and enforcement of designated truck haul routes. **All haul routes and truck circulation patterns shall comply with the City of Alameda's Truck Route Map and associated truck plans.** Enforcement ~~may~~ **shall** include compliance monitoring and reporting by the contractor **and the City of Alameda's Department of Transportation and Public Works**; • Advance written notification of neighboring residents, businesses, and other property owners, as well as the Cities of Oakland and Alameda and key stakeholders of any substantial increases in construction traffic (e.g., ramping up of hauling activity) **and providing a point of contact for residents within 2,000 feet of the Project site and major thorough fares to obtain construction information, have question answered, and convey complaints**;	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	• Maintenance of adequate emergency access at the Project sites and general access for neighboring properties at all times **and removing traffic obstructions during emergency evacuation events**; ~~and~~ • Designated construction worker parking locations and management plan (e.g., carpool/vanpool programs, and leased parking in remote/off-site parking facilities). • **Monitoring for roadbed damage and timing for completing repairs;** • **Coordination with applicants of other projects under construction concurrently along the Alameda Shoreline, including the Bayport/Alameda Landing and Alameda Point areas, to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences if similar signage), and maximize effectiveness of traffic mitigation measures (e.g., joint employee alternative transportation programs).** • **Monitoring surface streets used for haul routes so that any damage and debris attributable to the truck hauling can be identified and corrected by the Port.** **The TCP shall be developed such that the following minimum set of performance standards is achieved throughout Project construction. It is anticipated that additional performance standards will be developed once details of more Project construction are better known:** • **Construction and hauling trucks shall not idle/stage on Main Street, Mitchell Avenue, and Mosley Avenue.** • **Main Street shall not feature any construction-related closures on peak activity days** • **All construction employees shall park in designated lots owned or leased by the Port.**	

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Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	• Roadways, sidewalks, crosswalks, and bicycle facilities shall be maintained clear of debris that could otherwise impede travel and impact public safety. • Traffic conditions shall be monitored and, when warranted, traffic management is conducted at major intersections, including, but not limited to, Main Street, Mitchell Avenue, and Mosley Avenue. • Construction activities in the public-right-of-way shall be considered, including obtaining an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. If obstructions impact vehicle or bicycle travel lanes, bus stops, or sidewalks, the Port shall submit a secondary TCP to the City for review and approval prior to obtaining an obstruction permit. The Port shall submit evidence of City approval of the secondary TCP with the application for an obstruction permit. The secondary TCP shall contain a set of comprehensive traffic control measures for auto, truck, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The secondary TCP shall be in conformance with the City's Truck Route Map, General Plan Mobility Element, Pedestrian and Traffic Control Plan, Active Transportation Plan, Pedestrian Design Guidelines, Bicycle Design Guidelines, and the Port shall implement the approved Plan during construction and coordinate with the City and the Port to adjust, if necessary, to respond to transportation-related issues that arise out of the implementation. In addition, the Port shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at their expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval	

Ala-197

Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately. MM TRA-2: Traffic Impact & Roadway Degradation Mitigation Fees • To mitigate the transportation impacts identified in the EIR for the Project, the Port in collaboration with the City of Alameda shall agree and enter into a Roadway Maintenance Agreement prior to the City issuing any building permits. • The Roadway Maintenance Agreement shall include a fee schedule to ensure that anticipated road degradation anticipated from the Project's truck traffic funds its fair share of street improvements based on the trip demand placed on Alameda's existing transportation network and system. All fees collected will be used to maintain future haul routes during construction and, if necessary, bring roadways up to an appropriate minimum standard to handle the anticipated traffic generated by the Project. • Pursuant to this Agreement, the Port shall be responsible for repairing or reconstructing Project-related access roads or haul routes that are damaged during construction to return them to pre-Project conditions. MM TRA-3: Disposal and Material Hauling via Marine Barge in Inner Estuary • All material dredged from the Alameda Site shall be transported from the site for disposal at the identified offsite reuse/disposal sites identified in the EIR through the use of a 1,500-cy marine disposal barge located in the Estuary within the Inner Harbor Turning Basin. • Use of the construction supply and disposal barge shall adhere to all Inner Harbor schedules and hours of operation to avoid interference with ship movement to and from Howard Terminal or other terminals	

Ala-197

Ala-198

Ala-199

Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	within the Inner Harbor. Barges moving dredged material shall operate only during those hours when ferries or other public vessels are not in service. Dredged material storage barges shall remain stationary during hours when ferries or other public vessels are in service. • The Port shall provide 48 hours advanced notification to the City of Alameda prior to any movement of the hauling barge. • The Port shall ensure that the barge operator ensures dredged material is not leaked or spilled from the disposal vessels during in-harbor transit or transit to the disposal site. The contractor shall transport dredged material to the identified sites only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak, or other loss of dredged material during transit. • During transit from the construction and dredging site to the disposal or transfer site, the barge shall not exceed load lines to prevent any dredged materials from spilling over the sides at the site or during transit. Before the barge is transported to the disposal site, a site inspector shall certify that it is filled correctly. • All tugboats used to assist or push the disposal barge shall meet U.S. EPA Tier 4 engine standards by the time Project construction commences. If applicable Tier-compliant tugboats are not available, the Port shall purchase emission reduction credits or use the best available technology to ensure emissions are reduced to offset any exceedance of NOx emissions.	
Impact TRA-2: Would the Proposed Project Result in inadequate emergency access?	**MM TRA-1: Traffic Control Plan**	
Impact TRA-3: Would the Proposed Project change vessel traffic patterns, resulting in unplanned or regularly	None required.	

Ala-199

Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
occurring delays, substantial adverse change in freedom of movement, increased safety risks, or introduction of safety hazards?		
Impact C-TRA-1: Potential for the Proposed Project, combined with reasonably foreseeable future projects in the vicinity, to result in significant cumulative transportation impacts.	**MM TRA-1: Traffic Control Plan** **MM C-TRA-1: Bicycle-Pedestrian Bridge Easement in Oakland** • **To offset mitigation for impacts from trucks generated by Project construction and operation, the Port, in coordination with the Cities of Oakland and Alameda, shall enter into a Memorandum of Understanding (MOU) to dedicate and reserve a public easement on Port property for a bridge landing, and to provide funding that facilitate construction, analysis, and approval of a bicycle-pedestrian bridge between the City of Alameda and Jack London Square, or some other feasible location within this area. The bridge will redirect pedestrian and bicycle traffic during temporary road closures or periods of high truck traffic congestion on main thoroughfares due to Project construction in the cities of Oakland and Alameda.** **MM C-TRA-2: Water Shuttle between Alameda Landing and Jack London Square in Oakland** • **To reduce the amount of truck trips and ADT generated by the Project on Alameda roadways, including impacts to the Alameda Shoreline's automobile, public transit, bicycle, and pedestrian network, the Port in collaboration with the City of Alameda shall enter into a Memorandum of Understanding (MOU) to provide funding for the analysis, approval, and development of a complimentary water shuttle service designed to serve residents and patrons of developments along the Estuary in Alameda and Oakland and to connect the sites to regional ferry services provided from Jack London Square in Oakland and Alameda.**	

Ala-200

Ala-201

Proposed Project Impact	Mitigation Measure(s)	Level of Significance after Mitigation (if required)
	• The provision for funding and operating the water shuttle shall be sufficient to allow operations to continue, at a minimum, during the Project's two-and-a-half year construction period.	

Ala-201

SHAREFILE LINK TO SOURCES CITED:

https://rmmenvirolaw.sharefile.com/d-s5959a7f3a9d34f049601b58ad46a7001

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Housing Authority
— of the —
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

December 18, 2023

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

Re: Written Comments to the Draft Environmental Impact Report, Port of Oakland/Oakland Harbor Turning Basins Widening State Clearinghouse No. 2022050647 dated October 2023

Dear Ms. Chuop:

We appreciate the opportunity to comment on the Draft Environmental Impact Report dated October 2023.

The Housing Authority of the City of Alameda (AHA), in partnership with the entire community, advocates and provides quality, affordable, safe housing; encourages self-sufficiency; and strengthens community inclusiveness and diversity in housing. AHA owns and operates over 740 affordable rental homes serving low-income families, seniors, and vulnerable populations throughout the City. The Housing Authority currently has ownership interest and operates 89 units of affordable housing within a quarter mile of the site. AHA has broken ground on master plan work for an additional 154 rental homes for seniors and formerly homeless individuals in late 2023 within 1000 feet of the proposed basin. These 154 units at our North Housing Master Planned are expected to be fully leased by mid-2026. In addition, the Housing Authority has and additional 400+ units planned in the area after these units are constructed.

The senior and special needs affordable housing that AHA is undertaking will serve highly vulnerable populations, include seniors age 62+, formerly homeless veterans, homeless households referred as 'chronically homeless' from the County of Alameda Coordinated Entry System, disabled, and extremely low-income individuals. Many of these households will have health issues based on their age and trauma from living on the streets. These individuals may be sensitive to disruption, noise, contaminated air and other conditions mentioned in the EIR. Our residents tend to be transit-dependent and spend a considerable amount of time on foot or bicycling to attend to their daily needs or get to transit. Our residents live in apartments and are enthusiastic users of the City's park areas. Reliant on the outdoors for recreation and transportation, they are highly vulnerable to the surrounding air quality.

AlaHA-1

Our concerns are twofold. The EIR has identified air contamination and noise as two main issues. To this we would add the length of time of construction and site of the project.

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1. Air Contamination – With vulnerable residents, we are very concerned that resident respiratory conditions may be stressed by the environmental hazards lifted by the dredging. We ask the Port to specifically identify additional mitigations to air contamination, including:
    a. Pushing the removal of dredging residues to the Oakland side of the project.
    b. Require that the barges discharge to trucks in the already-industrial Howard Terminal area, rather than the predominately residential and recreational area on the Alameda side. This will push the airborne particle releases away from residential uses.
    c. Perform air and soil testing before, during and after the project to understand the long-term effects of dust and contamination on Estuary Park, the North Housing Master Plan sites. Set aside a fund for clean up when activities cease.
    d. Research the potential to upgrade filtration systems at all residential buildings in operation or in construction at the time of the work to allow for safer indoor air conditions. Pay for these upgrades.

AlaHA-2

2. Noise – Again, we have and expect to have additional residents who are suffering from decades of trauma and homelessness. Strong noises, as well as long-term ongoing noises, can trigger PTSD and other traumatic stress. We ask the Port to provide additional protection from noise issues identified in the EIR including:
    a. Push the truck routes for discharge of contaminates to the already-industrial Howard Terminal area. This will reduce street traffic noise and conditions.
    b. Increase the noise wall to provide additional decibel shelter. Research methods to limit or decrease the amount of proposed high-decibel activities to the residential areas within ¼ of a mile of the proposed project.
    c. Provide a notification method so that residents can expect when and for how long noise stress will continue. Limit noise stresses to only a few hours a day.

AlaHA-3

3. Length of proposed activities – The proposed activities on the Alameda side are listed as 20 months, which is the majority of the time period. We ask the Port to seek ways to reduce the length of stress in these residential neighborhoods by:
    a. Pushing truck routes and discharge activities to the Oakland side.
    b. Moving the proposed activities further away from the Alameda residential neighborhoods that predominate the ¼ mile radius.
    c. Research other methods to reduce the exposure of the residential neighborhoods to the impacts of the activities.

AlaHA-4

4. Site and Scope of project – We ask the Port to consider ways to minimize the scope, even if it does not gain all of the original objectives and to re-consider locating the project such that a significant portion of the proposed activities are not so close to hundreds of residences and residents that include families with children, seniors, and vulnerable populations. As a developer in this area, we are intensely familiar with the requirements for working within the DTSC and Bay mud footprint. We have had to re-design and accommodate multiple residential code, OSHA, EBMUD clean corridor, and DTSC requirements on our own sites. Because of this experience, we understand that there are many opportunities for protecting workers and resident that we do not believe have been fully investigated or fleshed out in this EIR.

AlaHA-5

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The Housing Authority has been an owner of multiple properties in the vicinity of the proposed Turning Basis project since 2019. We understand that as the owner, we likely did not receive notice of the proposed development at any of our properties. We respectfully request that we be noticed in the future at 701 Atlantic Avenue, Alameda, CA 94501 and the Port notice all owners and residents within at least ¼ of a mile of the area, specifically. We also believe that the Port should hold additional public meetings focusing on the impact on Alameda. We offer to host one public meeting at Independence Plaza, 703 Atlantic Avenue, Alameda, CA 94501. You may contact Sylvia Martinez, smartinez@alamedahsg.org, 510-747+4343 regarding scheduling.

AlaHA-6

AlaHA-7

Thank you for your consideration.

DocuSigned by:
Vanessa Cooper
5AFA57239EC2484...

Vanessa Cooper
Executive Director

CC: Carly Grob, Board President, Housing Authority of the City of Alameda

Doug Biggs, Executive Director, Alameda Point Collaborative

Liz Varela, Executive Director, Building Futures

Mayor Marilyn Ezzy Ashcroft and City Council of the City of Alameda

Housing Authority Affordable Properties List

3URSHUWLHV	$GGUHVV	&LW\	3RSXODWLRQ	8QLWV	<HDU %XLOW
Stargell Commons	2700 Bette Street	Alameda	Family	32	2017
Pulte Condos {1-18)	441 Mitchell Ave {18 various)	Alameda	Family	18	2021
Shinsei Gardens	401 Stargell Avenue	Alameda	Family/Homeless	39	2019
Linnet Corner	420 Lakehurst Circle	Alameda	Seniors/Vets	64	2025
Estuary I	500 Mosely	Alameda	Family/Homeless	45	2025
Estuary II	520 Mosely	Alameda	Family/Homeless	46	2026

Khamly Chuop

From: Sylvia Martinez <smartinez@alamedahsg.org>
Sent: Friday, December 15, 2023 3:49 PM
To: Khamly Chuop; Turning Basins
Subject: RE: [EXTERNAL] Please provide notification list for Oakland Basin Widening Project

Hello, Khamly,

Thank you for explaining the situation. I would like to point out that as an owner of multifamily rental property and undeveloped land in this area, we would not have received these postcards as we do not receive mail at the address. I suggest that you add a title search run within 1/4 of a mile of the planned activities to make sure that you are reaching out to all property owners with the post cards.

AlaHA SM-1

We appreciate the reply and will be making comments.

Sylvia Martinez
Director of Housing Development
Housing Authority of the City of Alameda
701 Atlantic Avenue
Alameda, CA 94501
d: (510) 747-4343

Housing Authority — of the — City of Alameda

From: Khamly Chuop <kchuop@portoakland.com>
Sent: Friday, December 15, 2023 3:36 PM
To: Sylvia Martinez <smartinez@alamedahsg.org>; Turning Basins <turningbasins@portoakland.com>
Subject: RE: [EXTERNAL] Please provide notification list for Oakland Basin Widening Project

[External Email]

Hi Sylvia,

Thank you for reaching out.

The Port distributed mailers via Every Door Direct Mail (EDDM) through the USPS. The mailers were 9x6-inch postcards (copy of the postcard here: https://link.edgepilot.com/s/25ed4f45/TGlcDig4z0aNJnaUPBOl8A?u=https://www.oaklandseaport.com/wp-content/uploads/2023/12/POAK-Postcard-Turning-Basins.pdf). For the Housing Authority of the City of Alameda address, the postcard would have been delivered in USPS EDDM zip code 94501 along Route# C069 that includes 868 mail pieces (see attached USPS EDDM route information list) and according to EDDM's website (Every Door Direct Mail | USPS), the 868 number include 855 residences and 13 businesses. EDDM is purely based on the carrier's route and doesn't include individually address postcards so we believe the carrier inserts the postcards in the mailboxes along their route. Therefore, a complete of specific addresses isn't available unfortunately.

For informational purposes, the postcards were sent to residences and businesses within four surrounding zip codes: 94607 (the majority of West Oakland and Jack London Square); 94612 (downtown Oakland); 94606 (southeast area from Lake Merritt); and 94501 (Alameda). The postcards were mailed on Friday, September 29, 2023 and Monday, October 2, 2023 so they would have been received early to mid-week of October 2, 2023.

We also advertised in below newspapers on the date indicated.

- Alameda Sun print ad (10/5)
- East Bay Times print ad (10/3)
- East Bay Times digital ad on website and through Google Exchange, visible to those in Zip Code 94501 (through 11/14)
- Oakland Post print ad (10/4)
- Oakland Side digital ad (through 11/14)
- Sing Tao Daily- Chinese (10/3)
- Vision Hispana- Spanish (10/6)

Please let me know if there is more than I can help you with. As a reminder, we are requesting comments on the Proposed Project's Draft Environmental Impact Report (Draft EIR) by 5pm on Monday next week, December 18, 2023. Thank you again for your interest in the Proposed Project.

Khamly Chuop
Port Associate Environmental Planner/Scientist
Port of Oakland – Everyone's Port
Direct Office: (510) 627-1758
Cell: (510) 999-0647
https://link.edgepilot.com/s/3c42aee7/W_m3jgui9k2AM3sIWJ_T_A?u=http://www.portofoakland.com/

PORT OF OAKLAND
Seaport. Airport. Everyone's Port.

From: Sylvia Martinez <smartinez@alamedahsg.org>
Sent: Thursday, December 14, 2023 9:06 AM
To: Turning Basins <turningbasins@portoakland.com>
Subject: [EXTERNAL] Please provide notification list for Oakland Basin Widening Project

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

Hello, Ms. Chuop,

The Housing Authority of the City of Alameda owns numerous properties within ¼ of a mile of the proposed Oakland Basin Widening Project. We do not believe that we received notification. Can you provide a list of entities notified?

Thank you,

Sylvia Martinez
Director of Housing Development
Housing Authority of the City of Alameda

701 Atlantic Avenue
Alameda, CA 94501
d: (510) 747-4343

Housing Authority
— of the —
City of Alameda

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

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San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600
State of California I Gavin Newsom - Governor I info@bcdc.ca.gov I www.bcdc.ca.gov

December 18, 2023

Ms. Khamly Chuop
Port of Oakland
530 Water Street
Oakland, CA 94607
Via Email: <TurningBasins@portoakland.com>

SUBJECT: DRAFT CEQA Environmental Impact Report for the Oakland Harbor Turning Basins Widening Navigation Study

Dear Ms. Chuop:

Thank you for the opportunity to comment on the Port of Oakland's {Port} *Draft Environmental Impact Report (DEIR) for the proposed Widening of the Oakland Harbor's Inner and Outer Turning Basin,* dated October 2023, with notice of availability received via email on October 3, 2023. The comment period for the revised document was initially until November 17, 2023, but upon request from commentors who were seeking an extension for the review period, the Port provided an additional 31-days to review and comment, until December 18, 2023. As you are aware, the U.S. Army Corps of Engineers {USACE} has submitted a consistency determination request for the project at the feasibility stage of project planning. The Commission will vote on the feasibility stage consistency determination request on December 21, 2023. The Commission's review of this document is independent of that analysis and vote as the federal consistency determination is reviewed under the Coastal Zone Management Act, As Amended, and the federally- approved Coastal Zone Management Program for the San Francisco Bay Segment of the California Coastal Zone. BCDC-1

Commission staff has reviewed the Draft EIR for the project though the Commission itself has not reviewed the DEIR. The staff comments discussed below are based the California Environmental Quality Act {CEQA} requirements as a responsible agency that requires a permit under its state authority granted through the McAteer-Petris Act, and in accord with the findings and policies of the San Francisco Bay Plan {Bay Plan}, the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan, though this project is in not located within Suisun Bay, one of the proposed placement sites, Montezuma Wetlands Restoration Project is and has a Suisun Marsh Development Permit. The proposed project and actions are located within the Bay and the 100-foot shoreline band. The following comments are offered for the Port's consideration and consist of both general and specific comments concerning the DEIR.

According to the DEIR, the purpose of the proposed project is to widen the Port of Oakland's Inner Harbor Turning Basin {IHTB} and Outer Harbor Turning Basin {OHTB} to improve navigational efficiencies and safety, and reduce restrictions for container vessels currently traversing the Port today and predicted in the future. The proposed widening of the IHTB

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involves demolition of existing landside structures at both Howard Terminal and at Alameda Landing {300 Mitchell Avenue, Alameda} including wharves; fast land excavation; dredging; installation of bulkheads; rip-rap; and new piles {sheet piles, batter piles, and anchor tie-backs}. At Schnitzer Steel Industries/Radius Recycling, install a subtidal retaining wall and rip rap to stabilize the subtidal slope. The OHTB widening will include dredging areas of subtidal habitat not previously dredged.

In the DEIR, an impact analysis was used to determine an environmentally superior alternative for the project. The document states that if the "No Project Alternative" is chosen, the DEIR must then select the next most environmentally superior alternative. The DEIR for the Widening of the Oakland Turning Basins identified the no project alternative as the environmentally superior alternative and identified "Alternative 2: Widening of the OHTB" as the second most environmentally superior alternative. The "No Project Alternative" was selected as the environmentally superior option because it would not cause any impacts to communities, fish and wildlife, habitat, and the environment even though the project objectives would not be met. The widening of the OHTB only was considered as the second most environmentally superior project as it would be able to partially meet the project objectives, while having less impacts to communities and the environment. In addition, the Port would also use electrical dredges for the betterment of the project under this second alternative.

We thank the Port for committing to the use of an electric dredge, as we believe this is a vitally important way to address impacts to the surrounding communities, as specifically, the West Oakland Communities have been classified as disadvantaged communities under Assembly Bill {AB} 617 {Garcia, Chapter 136, Statutes of 2017}, is an environmental justice community that is overburdened by pollution impacts of the Port activities, most specifically, the emissions from dredges; vessels coming to call; as well as truck exhaust and traffic congestion.

BCDC-1

General Comments

Regarding the CEQA Draft EIR review process, the Commission continues to believe that the USACE and the Port should have aligned the release of the NEPA and CEQA documents at the same time and contain consistent, but improved language that is allowable and required under the various NEPA and CEQA laws. Aligning these two processes would have reduced government waste and provided for more efficient coordination, further it would have lessened the burden on the communities that are also reviewing and commenting on the project. Development of a short document that highlights the differences between the federal and state environmental analysis would be helpful, even at this stage in the CEQA review.

BCDC-2

Specific Comments

1. **Proposed Project and Equipment.** Under Section ES.3. {Proposed Project} is states that the project "*involves the widening of both Inner and Outer Turning Basins*" to accommodate larger vessels, while also improving both efficiency and safety. It is understood that the Port will be providing electrical dredges and are to be used under all alternatives for the proposed project to reduce impacts to communities and the environment. However, section ES.5 {Alternatives Considered} and 5.5.3 specify that

BCDC-3

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diesel-powered dredges will be used under Alternative No. Three {Widening of both the Inner and Outer Turning Basin}. May you please clarify if the titles and description under Alternative No. Three for sections ES.5 and 5.5.3 are a typo or if this information accurate? If the information under these sections is incorrect, please revise each section to include the appropriate description and analyses. BCDC-3

The Draft EIR states the Port's "*container-handling capacities*" will not increase and is assumed "*the Port's total projected volume serviced would remain the same"* whether the turning basins are widened. Currently, the Port receives calls from container vessel that have a varying carrying capacity {range of <2,800 to 15,001+ TEU} based on Table 2.3-1. Implementation of the proposed project, container vessels visiting the Port will have a carrying capacity of 19,000 TEU. Regarding the Port's services remaining constant, consumer demand may stay the same, but operations to transport those goods to consumers will see an increase. Please clarify how this is not seen as an increase to carrying capacity. Furthermore, please provide support indicating the Port's services will remain the same with or without widening the turning basins. This remains an unclear issue in the project analysis. BCDC-4

2. **Indirect Impacts, Growth Inducement, and Air Quality.** We understand that the Port is focused on efficiencies within the inner and outer harbor, and that the Port has limited capability to accommodate an infinite amount of cargo due to availability of berths, time to load and offload vessels, and landside space and other constraints. However, the Port currently has 28 ships call on average a week. By increasing efficiency, up to 43 ships could come to call on an average week, thereby increasing the number of large ships coming to call, and thereby the flow of goods and trucks on and off Port facilities. BCDC-5 Please explain whether an expanded turning basin would *encourage* the private terminal operators to make investments to upgrade their cargo handling capacity in response to the increase in larger ships calling more frequently at the Port, and whether that would in turn lead to *higher-than-expected growth*. If this is the case, please explain if *this higher-than-expected* growth would then in turn increase the emissions from vessels and trucks, as well as traffic congestion resulting from the proposed project. BCDC-6 Please provide information regarding the Port's Zero Emission's program, its timing, and how the program would interface with the vessels coming to call and the Port's process and transport. BCDC-7

3. **Beneficial Reuse of Dredged Sediment and Soils**. The Commission staff continues to appreciate the Port's commitment to beneficially reuse the sediment dredged and excavated from the Proposed Project. We note that Table 2.5-3 outlines an estimated volume of dredged sediment and terrestrial soils; for beneficial reuse it states that only 454,400 cy of this volume is designated as cover quality material, compared to 1.7 million cy for foundation quality. As previously stated in the NEPA comment letter, the same problem persists in that, based on the amounts indicated above, it does not seem possible to cover the foundation sediment layer with the necessary three feet of cover BCDC-8

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quality sediment. Please explain where the Port anticipates obtaining the cover quality sediment necessary to cover the foundation quality sediment. In addition, please describe whether the USACE anticipates beneficially reusing the additional annual maintenance dredged sediment from the larger turning basins. BCDC-8 BCDC-9

4. **Greenhouse Gas Emissions.** Thank you for including an impact analysis on the potential greenhouse gas {GHG} emissions for this proposed project. Section 4.9, Accumulative Greenhouse Gas Emissions, states that the potential impacts from the proposed project will be less than significant with mitigation and carbon sequestration will offset construction emissions by beneficially reusing dredged sediment. This statement appears to be farfetched as the Draft EIR only cites one source for support and the project proponents – the USACE and the Port – have yet to test this assumption. Carbon sequestration, based on existing literature, may occur in as little as two years[1] or several years after dredged sediment is placed at a wetland restoration site. Additionally, there is evidence that suggests young-restored wetlands may also be sequestering carbon at lower rates[2345], when compared to the global estimate[6] of approximately 220 g C m^{-2} $year^{-1}$ for tidal salt marshes. The impacts of dredge sediment on carbon sequestration for restored wetlands is challenging to answer as this is a critical knowledge gap that requires further investigation. Please provide additional information or sources that support the claim "*construction emissions would be offset by the carbon sequestration of the beneficially reused sediment*." BCDC-10

   In addition, we must also acknowledge that there is a potential for GHG to be released from dredged sediment as it is exposed to the atmosphere[78] and when terrestrial soils are disturbed[9]. Thus, we believe that further analysis should be considered regarding the release of GHG from not only construction activities but from natural resources {i.e., dredged sediment and disturbed terrestrial soils} as well. Furthermore, Section 4.9 is missing a description of the considered mitigation measures that is referenced {Mitigation Measure GHG-1} in the body of the "Impact Analysis" paragraph. BCDC-11 BCDC-12

5. **Environmental Work Window.** Thank you for the commitment to work within the environmental work windows for salmonids and herring, and explaining the USACE anticipates that USFWS will authorize work during the least tern breeding season and allow in water work prior to August 1st each year. We look forward to reviewing the USFWS's opinion in this regard as well as receiving California Department of Fish and Wildlife's position on this issue. BCDC-13

   While the DEIR acknowledges the federal agencies authority regarding the federal Endangered Species Act, it does not fully acknowledge the California Endangered Species Act and the State's role in managing both listed and fully protected species. As the Port is aware, it will likely need to apply for either an incidental take permit or a stream bed alteration permit from CDFW, which will include analysis, mitigation, and minimization measures for take of state - listed species that the USACE may not be subject to.

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6. **Water Quality and Contaminated Sediment.** As discussed with the Port and the USACE, the Commission cannot further review this project without additional information regarding the areas of known or suspected contamination at Howard Termina, Alameda Landing, and the sediments that would be dredged or disturbed as part of the proposed project. Please work with the Dredged Material Management Office to develop a full sampling and analysis plan, as well as the resulting analysis to further refine how the sediment could be used or disposed. BCDC-14

   Similarly, additional information is needed regarding the areas to be demolished such that appropriate controls and minimization measures can be implemented. BCDC-15

7. **Environmental Justice and Social Equity.** Thank you for your continued work to provide meaningful community engagement with the local community. We appreciate your work with our Environmental Justice Manager in this regard and have noted the additional meetings in the effected community. As the Port is aware, the communities surrounding the project do not feel the engagement has been sufficient and continue to raise concerns regarding the lack of discussion, particularly around ways the project can minimize impacts from the construction equipment and materials moving through their communities. The Commission remains concerned about the impacts to the communities, while it recognizes its limited authority, particularly regarding air emissions, noise, traffic, and safety issues, and hopes that the Port continues to engage with the community, seeking their input on how impacts can be further minimized and mitigated. BCDC-16

8. **Biological Resources.** Section 3.4.4 discusses the impacts and mitigation measures to biological resources {i.e., terrestrial, pelagic, intertidal, and benthic habitat; terrestrial and aquatic vegetation; essential fish habitat; and special-status species}. Under Section 3.4.4 {Impacts BIO-2: Impacts to EFH}, it mentions the introduction of nonnative species via "*dredging vessels that may come from outside of the Bay Area*." If the proposed project allows more larger vessels to call the Port via efficiencies, this could lead to the introduction of more invasive species to the Bay Area. We suggest that this should be addressed as its own impact and more thoroughly as this may pose a significant issue. BCDC-17

   Section 3.4.4 {Impacts BIO-2: Impacts to Eelgrass}, describes the implementation of pre- and post-construction surveys which is consistent to the California Eelgrass Mitigation Policy and Implementation Guidelines. Due to the increase in turbidity, as a result of dredging 24 hours/day for 5 months, we recommend additional eelgrass surveys be considered during construction to ensure no eelgrass function is lost. BCDC-18

   Furthermore, under Section 3.4.4 {Impacts BIO-3: Impact Analysis} it states "*Wildlife nursery sites are locations where fish or wildlife concentrate for hatching and raising young…. There are no established native wildlife nursery sits in, or in the immediate vicinity of the Proposed project landside or in-water work locations that could be affected by construction activities*." The Commission notes that there are nearby eelgrass patches to the north of the OHTB site and within the 250-meter buffer zone. Therefore, according BCDC- 19

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to the definition of a wildlife-nursery site given in the DEIR, there is indeed a presence of a hatching and/or nesting area within the vicinity of the proposed project in-water work location that may be affected by dredge-related activities. BCDC- 19

Under Section 6.2 {Significant Irreversible Impacts}, it states that "*expansion of the IHTB would permanently convert approximately 10 acres of terrestrial land into intertidal or subtidal habitat*" and "*this permanent conversion of land to open water would create additional habitat for aquatic species and have negligible impacts to terrestrial species.*" The Commission understands the terrestrial habitat is likely of little value to wildlife as it is within a Port terminal and a developed area. However, staff notes that the increases 10 acres of subtidal habitat is also of little value as it is within an active Port within significant ship traffic. Further, annual maintenance dredging at the IHTB will be required to maintain safe and efficient navigation. Therefore, such activity will continually disturb the benthic habitat, which is not consistent with the description of "*creating additional habitat for aquatic species*." Further, the Outer Harbor expansion would also convert 20 acres of undisturbed shallow water habitat to annually disturbed deep-water habitat, an additional permanent impact to subtidal habitat of the Bay. BCDC- 20

The Commission, as discussed above, is concerned with impacts to visually foraging bird species, including California least tern and brown pelicans, will occur as temporary increases to turbidity may cause fish to migrate out of the project area or make it difficult to seek the fish from the air. Further, it remains that Port is not considering potential impacts from dredging the OHTB which is closer and more likely to affect foraging as the area proposed for deepening is shallow water habitat favored by the terns and other diving piscivores. Please further describe how these potential effects can be minimized or avoided. BCDC- 21

In addition to the dredging work, we'd also like to note that the pile driving effects as well and turbidity from the in-water work may disturb the fish that the nesting terns rely on for forage. This may in turn require terns to forage further from the nesting site leading to poor nesting success. Further, as noted from the Biological Assessment the assumption is being made that the noise created by work in the inner channel may be contained by the surrounding land, but it may in fact be amplified by the narrowness of the channel. This potential amplification should be further investigated or better explained why it would not occur. Further, it appears that the Port is only considering the impacts the least tern from the IHTB work, while the OHTB is closer and more likely to affect the least tern foraging as the area proposed for deepening is shallow water habitat favored by the terns and other diving piscivores. Please further describe how these potential effects can be minimized or avoided. BCDC- 22 BCDC- 23

9. **Public Access and Recreation**. As discussed with the Port, the Commission policies direct it to ensure that *"any project within its jurisdiction provide maximum feasible public access to the Bay's shoreline consistent with the project.*" Public Access Policy 1 states in part that, "*A proposed fill project should increase public access to the Bay to the maximum extent feasible."* When public access is not feasible on site, the Commission looks to the project proponent to provide offsite, but nearby public access, such as BCDC- 24

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overlooks and viewing opportunities, or funds for alternate public access in the affected community commeasure with the project. Further, when in lieu public access is necessary and cannot be located nearby the project, the policies support developing public access in vulnerable communities. Please address how the project will provide the maximum feasible public access consistent with the project. BCDC-24

Regarding impact to existing recreational activities, we appreciate the impact analysis discussing how the project would impact public access and recreational views during and post-construction. Under section 3.13.4, Impact REC-1 and Impact REC-2, it states that the expansion of the Turning Basins will cause temporary noise, air, and vision quality impacts, which may limit use at recreational facilities in the area. Thus, causing the public to relocate to other locations from the project area. As mentioned in the NEPA comment letter, we suggest "*providing information (e.g., signage) to the public about the project's purpose, temporary impacts, and alternative recreational opportunities nearby not affected by the project, and/or provide options for public use during the two-plus-year construction period. Similarly, information should be provided to the recreational fishing community and boating community about the timing and potential limitations of estuary use during and post dredging and construction."* BCDC- 25

10. **Consistency with the San Francisco Bay Area Seaport Plan (Seaport Plan).** The Seaport Plan is an element of the Bay Plan and is used by BCDC in making port-related regulatory decisions on permit applications, and related matters {See Section 66651 of the McAteer-Petris Act, codified at the Government Code}. BCDC recently undertook a general update to the Seaport Plan {Bay Plan Amendment 1-19}. While the Seaport Plan Amendment received approval at the November 16, 2023, Commission meeting, it has not yet been reviewed and approved by the Office of Administrative Law, therefore is not yet in affect. However, the Commission anticipates the review to be complete prior to permitting this project, so the 2023 revisions should be considered as the Port moves forward in its planning process. BCDC- 26

Thank you for providing staff with the opportunity to review the Draft EIR for the proposed project. If you should have questions regarding this letter or the Commission's policies, please feel free to contact me at {415} 352-3648 or jaime.lopez@bcdc.ca.gov. We look forward to working with the Port to further evaluate this proposed project.

Sincerely,

DocuSigned by:
Jaime Lopez
2B92CD3D3126482...

Jaime Lopez
Analyst, Environmental Scientist

DocuSign Envelope ID: D13CAF3B-7A2B-469B-B683-0AD2CF339593

cc: CA State Clearinghouse; <state.clearinghouse@opr.ca.gov>
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JL/kr

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[1] Valach, Alex C., et al. "Productive wetlands restored for carbon sequestration quickly become net CO2 sinks with site-level factors driving uptake variability." PloS one 16.3 {2021}: e0248398.
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San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow.
December 15, 2023

Ms. Khamly Chuop
Port of Oakland
530 Water Street
Oakland, CA 94607
E-mail: TurningBasins@portoakland.com

Subject: Comments on Oakland Harbor Turning Basins Widening Navigation Study Draft Environmental Impact Report.

Dear Khamly Chuop:

The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the invitation to comment on the Draft Environmental Impact Report (EIR) with the comment period ending December 18, 2023. To date, the Water Board has participated in both the public meetings and the Regulatory Advisory Workgroup Meetings and provided comments on the Draft Environmental Assessment. Thank you for committing to the following.

1. Taking all suitable dredged sediment to beneficial reuse sites: On page 2-33, the Port commits to take all suitable material, as defined by the Dredge Material Management Office, to an approved beneficial reuse site as either cover or non-cover material.
2. Obtaining a Water Quality Certification (Certification) under Section 401 of the Clean Water Act (CWA) on page 2-40.
3. Obtaining coverage under the Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities: On page 2-40, it is noted the Port will obtain coverage under the NPDES Construction General Permit Order 2022-0057-DWQ.
4. Coordinating and obtaining approval from the Department of Toxic Substances Control regarding the removal of material from Howard Terminal: Pages 3.9-5 to 3.9-8 describe the history of contamination and remediation at Howard Terminal as it relates to the Project.

RWQCB-1

Please note we believe the Corps is subject to the Porter-Cologne Water Quality Control Act (Porter-Cologne). As such, the Water Board intends to issue waste discharge requirements (WDRs) for this project as outlined on page 3.4-17. Additionally, the Port of Oakland, as the local sponsor, is required to be listed as a co-applicant with the Corps for all Water Board permits, including 401 Certification, NPDES, and WDRs.

RWQCB-2

The Water Board asks for a ground water and soil analysis of suspected contaminants within and adjacent to the Inner Harbor Turning Basin project area to better understand the potential of discharges to the San Francisco Bay and groundwater. Under Porter-Cologne, the Water Board has jurisdiction to protect the quality of waters of the State, including groundwater.

RWQCB-3

Should you have any questions please email Jazzy Graham-Davis of my staff, at Jazzy.Graham-Davis@waterboards.ca.gov.

Sincerely,

Xavier Fernandez
Planning Division Manager

cc (via email):
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Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 2:27 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Jack Fleck

Email: lucerofleck@gmail.com

Message Body:

Date: December 16, 2023
To: Port of Oakland,
Environmental Programs and Planning Division
Ms. Khamly Chuop
530 Water Street
Oakland, CA 94607
From: 350 East Bay and 360 Oakland Hub
Re: Widening of Turning Basins

As Oakland residents, we are writing to express our concern about the Port of Oakland's Draft Environmental Impact Report on the Project to widen the turning basins in the Oakland Harbor. We believe the Project fails to comply with City of Oakland climate and environmental justice policies as well as numerous other CEQA requirements. 350BA-1

The City of Oakland has declared a climate emergency and has a goal to equitably reduce climate emissions by 56% by 2030. Oakland's Equitable Climate Action Plan-2030 {ECAP} lists criteria for its strategies, the first of which is to "maximize benefits and minimize burdens on frontline communities" and notes that ocean-going vessels and trucks serving the Port of Oakland "bring high levels of diesel pollution and fine particulate matter to West Oakland and communities living along the 880 freeway corridor, increasing the incidence of cancer and asthma in these populations." {Oakland Equitable Climate Action Plan-2020} All foreseeable consequences of this project that may increase exposure to diesel pollution and other fine particulate matter and NOX must be fully addressed and mitigated. 350BA-2

The turning basin project is intended to enable more megaship {ULCV} calls on the Port of Oakland and is part of broader efforts to increase Port capacity. Whereas the DEIR claims that landside constraints will prevent an increase in Port throughput, the Port is pursuing and has been awarded federal and state grants to remove those constraints, including a $102 million from CalSTA to allow new ULCV berth capacity, terminal expansion, and increased container handling capacity. Thus increased container throughput is apparently not only a reasonably foreseeable consequence of the project, but an intended outcome. The DEIR must therefore acknowledge the overall increase in throughput and address the resulting increases in greenhouse gas and other pollutant emissions from ships, drayage vehicles, trains, and trucks. The DEIR cannot confine itself to the construction phase. 350BA-3

In addition, at any given overall rate of container throughput, at other ports surges in TEU delivery by ULCVs have been shown to cause increased congestion, which results in increased GHG, NOx, and particulate matter emissions. ULCV calls should be expected to do the same here. The DEIR must address emissions impacts due to likely impacts such as:
more ship idling as other ships are backed up behind ULCVs out of reach of shore electricity
more truck idling within the Port
more truck and general traffic congestion in West Oakland
more stop-and-go traffic on Interstate 80 as it traverses disproportionately low-income communities and communities of color within and beyond Oakland.

350BA-4

In addition to ignoring the environmental justice principles of the ECAP, the DEIR fails to address the ECAP's specific Port Actions: P-1, "Reduce Emissions from Port Vehicles and Equipment" and P-2, "By 2023, Port of Oakland should procure 100% carbon-free and nuclear-free electricity for Port operations and all electricity supplied to tenants or other end users." Indeed, increasing container throughput before completely electrifying Port vehicles and equipment will likely increase rather than reduce their emissions, and the plan to "mitigate" energy supply effects by switching dredging operations from electric to diesel during {P-1} grid shortage periods directly contradicts P-2.

350BA-5

We urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully analyzes and specifies mitigation measures for the negative impacts of this proposed expansion of Port activity on our region and the health and well-being of West Oakland residents in particular and all Oakland and East Bay residents in general.

350BA-6

Sincerely,

Jack Lucero Fleck
On behalf of the 350 Bay Area Oakland hub

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport {https://www.oaklandseaport.com}

Via Electronic Submission

December 18, 2023

Khamly Chuop
Port of Oakland
530 Water Street
Oakland, CA 94607
Turningbasins@portoakland.com

Re: Draft Environmental Impact Report Comments – Oakland Harbor Turning Basins Widening Project

Dear Ms. Chuop:

We submit this letter on behalf of the undersigned organizations to comment on the Port of Oakland's issuance of a Draft Environmental Impact Report ("DEIR") for the widening of the Oakland Harbor Turning Basins (the "Project").[1] As demonstrated throughout our comments, the DEIR and the Project fail to comply with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq. on several fronts. EJC-1

On behalf of our coalition, we respectfully submit these comments to ensure that the Port's decisionmakers fully comply with CEQA. The environmental impact report is "the heart

[1] We refer throughout these comments to the DEIR and associated appendices located here https://www.oaklandseaport.com/turningbasins/draft-eir/ (last accessed December 15, 2023).

of CEQA."[2] It "is an environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[3] The EIR is predominately a "document of accountability" and must also "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action."[4] An EIR must inform decisionmakers by disclosing and analyzing the project's foreseeable impacts.[5] The document must also provide an opportunity and an obligation to avoid significant impacts through the required implementation of mitigation measures and disclosure of feasible alternatives.[6]

After carefully reviewing the DEIR, we have concluded that it fails in numerous respects to comply with these CEQA requirements. As explained below, the DEIR violates CEQA because it fails to: (1) properly define the project description and the scope of the Project's foreseeable impacts, (2) analyze growth-inducing impacts, (3) consider alternatives that offer substantial environmental advantages, and (4) adequately analyze and mitigate foreseeable environmental impacts and cumulative impacts. The expert report of PSE Healthy Energy (attached as **Exhibit A**, hereafter "PSE Report") addresses some of these deficiencies in the Port's analysis—specifically as it concerns air quality and public health impacts. Moreover, the Port fails to provide substantial evidence to support the factual assumptions and conclusions it relies on throughout the document. Additionally, the DEIR is unlawful because it fails to adequately analyze the Project's consistency with several applicable land use plans.

EJC-1

We are also increasingly concerned about the Port's decision to move forward with a CEQA analysis separate from the U.S. Army Corps' prior analysis under the National Environmental Policy Act ("NEPA"). The Port's decision to separate the CEQA and NEPA processes makes public review more challenging, requires members of the public to expend additional time to review each of the separate environmental documents and supporting materials, and leaves community members in the dark about which entities will take responsibility for which aspects of mitigation. We raised these concerns in our two comment letters submitted to the Army Corps on its own flawed environmental review of the Project under NEPA. We have attached our February 14, 2022 Coalition Comment Letter and our June 16, 2023 Coalition Comment Letter to this submission as **Exhibit B** and **Exhibit C**, respectively. We are also incorporating the contents of these two letters and their appendices by reference into these current comments before the Port. Unfortunately, the issues identified in our prior letters to the Army Corps remain areas of concern in the Port's analysis of the Project under CEQA.

EJC-2

Where, as here, the environmental review document fails to inform decisionmakers and the public fully and accurately of the environmental consequences of proposed actions, it does not satisfy the basic goals of CEQA. Specifically, "[t]he purpose of an environmental impact

EJC-3

[2] *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights I*") (citations omitted).
[3] *Id.* (citations omitted).
[4] *Id.* (citations omitted).
[5] *See* Pub. Resources Code, § 21061.
[6] *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 (confirming the importance of an accurate and complete EIR to "balance the proposal's benefits against its environmental cost, consider mitigation measures . . . and weigh other alternatives in the balance").

report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."[7] Here, the DEIR contains such fundamental errors – especially its failure to adequately define the Project's scope – as to undermine the integrity of the document and prevent meaningful public review of the Project.

In particular, our coalition asks the Port to ensure its environmental analysis is complete, including full analysis of environmental impacts and significance determinations regarding those impacts. Further, we urge the Port to adopt a full suite of effective and enforceable mitigation measures for both the Project's construction and *operational* impacts, especially its impacts on air quality and health. As explained in detail below, frontline communities like West Oakland already experience disproportionate air pollution that impacts public health and increases the risk of respiratory and cardiovascular disease, cancer, and premature death. Any contribution to this burden from the Project must be adequately studied and mitigated. Moreover, alternatives to this Project must be thoroughly investigated and disclosed in the DEIR. EJC-3

The Port must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake, on a timeline that would run concurrently with the Army Corps' ongoing NEPA process. The failure to do so will prevent members of the public from properly participating in both processes.[8] EJC-4

We include a table of contents on the next page to facilitate review.

[7] *See* Pub. Resources Code, § 21061.
[8] 14 Cal. Code Regs. ("CEQA Guidelines"), § 15088.5.

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I. The DEIR's Analysis of Impacts, Alternatives, and Mitigation Measures is Based on an Improper Project Description

CEQA aims to foster greater transparency to ensure that decision-makers and stakeholders are informed of potentially harmful environmental consequences of proposed projects. This level of transparency requires a complete understanding of the project. "Only through an accurate view of the project may outsiders and public decision-makers balance the proposal's benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance."[9] Here, the Port does not achieve the level of transparency required by CEQA because of an inappropriately narrow project description.

Under CEQA, a "project" is defined as the whole of an action that has the potential to cause direct or indirect physical changes to the environment.[10] A project description that omits integral components of the full project may result in an EIR that fails to disclose all the impacts of the project.[11] The DEIR's project description is flawed in two distinct but related ways. First, the Port focuses too narrowly on construction impacts associated with expanding the Turning Basins. The Port ignores entirely, and thus fails to disclose or analyze, the reasonably foreseeable operational impacts that visitation by ultra-large container vessels—and ongoing Port operations to host those vessels—could bring to adjacent neighborhoods. Second, the Port inappropriately defines the scope of the Project's environmental impacts to encompass only a 1-mile radius that is too narrow to capture potentially significant adverse environmental and human health impacts in the broader San Francisco Bay Region. EJC-5

EIR project descriptions have been rejected as inadequate when, as is the case here, the EIR limited the scope of environmental review by artificially narrowing the project description, thus minimizing the project's impacts and undermining public review.[12] Despite the DEIR's flawed attempts at portraying the opposite, this is *not* a mere isolated construction project. The widening of the Turning Basins is inextricably tied to the commercial operation of a busy maritime port that consistently ranks among the top ten busiest ports in the United States. The Project implicates the entirety of the Port of Oakland's operations, with corresponding impacts on the Port's use of physical space, deployment of cargo handling equipment, and the truck and rail traffic required to coordinate arrival and departure of cargo with the berthing of each ultra-

[9] *County of Inyo, supra,* 71 Cal.App.3d at 192.
[10] CEQA Guidelines, § 15378(a); *see Habitat Watershed Caretakers v. City of Santa Cruz* (2013) Cal.App.4th 1277, 1297.
[11] *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829 (project description for sand and gravel mine omitted water pipelines serving project); *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454 (concluding that a complete project description is necessary to ensure that the environmental impacts of the entire project are considered).
[12] *See, e.g., Rural landowners Ass'n v. City Council* (1983) 143 Cal.App.3d 1013, 1024 (EIR for a city general plan amendment and rezoning that failed to describe or analyze the impacts of development that would follow annexation to the city); *County of Inyo, supra*71 Cal. App. 4d at 193 (EIR for a groundwater pumping and water export project that failed to describe or analyze groundwater exports and instead improperly sought to characterize expanding groundwater exports as a separate, ongoing project).

large container vessel ("ULCV").[13] Indeed, the Port admits, both in its DEIR and at every public meeting, that a core purpose of the Project is to allow large vessels to call at the Port more frequently.[14] As discussed further in Section IV. A., by constraining the review to only construction impacts, the DEIR overlooks reasonably foreseeable operational impacts, such as higher pollutant emissions associated with ULCV visits. The failure to address operational impacts throughout renders all of the DEIR's impact analyses lacking in substantial evidence to support any of the Port's conclusions.

It is fundamentally inconsistent for the Port to state that expanding the Turning Basins would achieve *operational* efficiency for vessels entering and exiting the Port[15]—but then simultaneously disclaim that it has any obligation under CEQA to analyze the Port's operations themselves. The Port cannot have it both ways. Because the Port admits the proportion of ULCVs will increase if this Project moves forward, it is obligated under CEQA to analyze the reasonably foreseeable impacts on Port operations. Indeed, the rule that an EIR must include future activities that are a "reasonably foreseeable consequence" of a proposed project is intended to ensure that the project EIR covers the impacts of the *entire project* that will ultimately result from project approval.[16] EJC-5

A clear, complete, and accurate project description is particularly important from an environmental justice and equity perspective, as the Bay Area Air Quality Management District ("BAAQMD") affirms in its CEQA Guidelines.[17] The DEIR's project description should have provided a level of detail sufficient to understand the Project and its impacts in order to address environmental justice throughout the environmental review process.[18] This includes disclosing construction impacts as well as operational impacts from the Project.[19]

Moreover, the Port inappropriately defines the scope of environmental impacts within only a 1-mile radius of the Turning Basins where construction will be concentrated. The result is a constrained analysis that fails to capture reasonably foreseeable, potentially significant and cumulative environmental impacts that could result from increased visitation at the Port by ULCVs, such as impacts on air quality, the risk of ship strikes on marine mammals, and the possibility of oil spills, among other things, as discussed more fully in Section IV below. EJC-6

[13] We use the industry term ULCV throughout these comments to refer to vessels that are Post-Panamax Generation III or Generation IV, with capacity over ~15,000 twenty-foot equivalent units ("TEUs"), although there is no universally adopted TEU threshold for ULCVs.
[14] *See, e.g.*, DEIR at 6-5, 3.3-49.
[15] *See, e.g.*, *Id.* at 3.3-49 (noting "improved efficiencies and general fleet improvements for both in-water and land-based operation"); *Id.* at 2-10, 2- 20 ("The Purpose of the Proposed Project is to provide navigational improvements that address inefficiencies and suboptimal conditions . . .").
[16] *Laurel Heights I, supra,* 47 Cal.3d at 376; CEQA Guidelines, § 15126 (EIR's impact analysis must consider all phases of project).
[17] BAAQMD, California Environmental Quality Act Air Quality Guidelines ("BAAQMD CEQA Guidelines"), "Ch. 2: Best Practices for Centering Environmental Justice, Health and Equity" (2022) at 2-9, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-2-environmental-justicefinal-pdf.pdf?sc_lang=en.
[18] *Id.*, Ch. 2, at 2-9 to 2-10.
[19] *Id.*, Ch. 2, at 2-13 (describing the importance of considering both construction and operational impacts for environmental justice communities).

The Port's refusal to appropriately define the project description violates CEQA. This error infects the Port's analysis throughout the DEIR, including rendering each impact analysis in the DEIR devoid of substantial evidence to support it, as will be further discussed and referenced throughout.

EJC-7

II. The DEIR Fails to Analyze Growth Inducing Impacts

The DEIR must also describe growth-inducing impacts of the Turning Basins expansion,[20] including ways in which the Project could directly or indirectly foster economic growth that could lead to an adverse physical change to the environment.[21] But the Port has unlawfully failed to conduct this required analysis.

The DEIR erroneously concludes that expanding the Basins will not increase cargo throughput.[22] However, the Port offers no tangible evidence for its conclusion, and instead only refers to a report conducted by Tioga Group and Hackett Associates ("Tioga Report") to support the assertion that the Port's berth constraints and yard constraints will limit any increase in twenty-foot-equivalent unit ("TEU") throughput.[23] But this baseless conclusion is not even supported by the Tioga Report, as the report indicates that the Project would in fact remove TEU restrictions. [24] Indeed, the U.S. Environmental Protection Agency ("EPA") noted as much in its own comments to the Army Corps earlier this summer on the Corps' NEPA analysis of the Project.[25] Even more contradictory of the Port's conclusion, the Army Corps' environmental analysis of the Project forecasts a sharp increase in TEU growth in and after 2029, when the Project would be complete.[26] As the California Air Resources Board ("CARB") noted in comments to the Army Corps, this forecast appears to support, rather than dispute, the contention that wider Turning Basins may induce growth of cargo in and out of the Port.[27] The Port offers no explanation for this data. The DEIR's baseless conclusion that cargo throughput will not increase because of the Project is unsupported by substantial evidence and renders the DEIR's growth inducing impacts analysis unlawful under CEQA.[28]

EJC-8

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[20] Pub. Resources Code, § 21100(b)(5); CEQA Guidelines, § 15126(d).

[21] CEQA Guidelines, §§ 15126.2(d), 15064(e); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205.

[22] DEIR at 6-5.

[23] *Id.* at 6-4 to 6-5.

[24] The Tioga Group and Hackett Associates, Bay Area Seaport Forecast (May 22, 2020) (hereafter "Tioga Report") at 125.

[25] U.S. EPA, Letter to Eric Jolliffe, U.S. Army Corps of Engineers, "EPA Comments on the Oakland Harbor Turning Basins Widening Navigation Study, Revised Draft Integrated Feasibility Report/Revised Draft Environmental Assessment, Alameda County, California" (June 16, 2023) (hereafter "EPA Comments") at 4.

[26] U.S. Army Corps of Engineers Revised Draft Integrated Feasibility Report and Environmental Assessment for Oakland Harbor Turning Basins Widening (Revised April 2023) (hereafter "Revised Draft EA") at 28.

[27] Cal. Air Resources Bd. ("CARB"), Letter to Eric Jolliffe, U.S. Army Corps of Engineers (June 14, 2023) (hereafter "CARB Comments") at 3–4.

[28] *Bakersfield Citizens for Local Control, supra,* 124 Cal.App.4th at 1205.

The Port's unsupported assumption that more frequent visits by larger vessels will be more than offset by a smaller number of calls by smaller container ships as compared to the no project scenario[29] also fails to justify the conclusion that growth will not occur. The Port's reasoning is nonsensical. First, ULCVs are expected to lower transport costs per TEU, and it is foreseeable that lowering the transport costs per TEU will lead to increased demand, thus applying upward pressure on overall freight throughput.[30] Second, ULCVs require high rates of utilization to deliver cost savings, so there is further economic pressure to increase cargo throughput with increased ULCV calls.[31] Indeed, the literature is clear that in order to achieve economies of scale, the Port will need to increase cargo throughput while decreasing unit costs related to larger ships.[32] Relatedly, studies indicate that the size of ULCVs often require larger or newer portside handling equipment, and thus operators would only make these upgrades if TEU volume increased to cover operational costs enough to lower the per-TEU cost.[33] To accommodate the operational costs of larger vessels, the Port will have to increase productivity to meet the cargo throughput changes that increase with vessel size.[34] The Port does not attempt to explain the inconsistencies in its argument and merely doubles down on its faulty conclusion that growth will not occur as a result of the Project.

EJC-9

Moreover, the Port can only reach this conclusion—that widening the Turning Basins will not increase cargo throughput—by failing to consider this Project in context alongside the Port's current efforts to expand its capacity. The DEIR ignores the fact that the Port is presently seeking, and has received funding for, the very landside expansions that could enable greater growth and an increase in cargo throughput, especially if the Turning Basins are expanded. For example, in May 2022, the Port submitted a successful grant application to the U.S. Department of Transportation's Maritime Administration ("MARAD"), seeking more than $36 million to develop one of its terminals to provide "expansion opportunities for increased container capacity."[35] The terminal that will receive those upgrades is called the Outer Harbor Terminal,

EJC-10

[29] DEIR at 6-5.
[30] "Compared to a 16,000 TEU vessel, a mega-ship with 19,000 TEU would save close to 1 million USD." https://www.container-xchange.com/blog/mega-ships-and-their-impact-on-ports-and-shipping/.
[31] *Id.* ("With mega-ships, their rate of utilization is a big issue. For a mega container ship to achieve cost savings, the rate of utilization should be at least 91%.").
[32] Merk, "Container ship size and port relocation," International Transport Forum Discussion Paper, No. 2018–10, Organisation for Economic Co-Operation and Development (OECD), International Transport Forum (2018), https://doi.org/10.1787/d790ae41-en.
[33] Imai, et al., "The economic viability of container mega-ships," 42 Transportation Research Part E: Logistics and Transportation Review 1 (January 2006), https://www.sciencedirect.com/science/article/abs/pii/S1366554504000584.
[34] Drewry, "Study findings warn of diminishing economies of scale from new generation megaships" (2016), https://www.drewry.co.uk/news/news/study-findings-warn-of-diminishing-economies-of-scale-from-new-generation-of-megaships.
[35] *See generally* Port of Oakland, "FY 2022 Port Infrastructure Development Program (PIDP) Grant: Outer Harbor Terminal Redevelopment" (submitted May 16, 2022 to U.S. MARAD), https://www.portofoakland.com/wp-content/uploads/Project-Narrative_1_PIDP_Port-of-Oakland_5-16-22.pdf.

which is immediately adjacent to the Outer Turning Basin that the Port seeks to expand with this Project.[36] MARAD awarded the Port the grant money it sought in October 2022.[37]

Similarly, in January 2023, the Port submitted a grant application to the California State Transportation Agency ("CalSTA") for a "Terminal Modernization Project" that seeks to dedicate about $177 million toward improvements at the Outer Harbor Terminal that facilitates the berthing of ULCVs.[38] On July 6, 2023, CalSTA awarded the Port $102 million.[39] With the money from this CalSTA grant, the Port seeks to "create seamless new berth capacity for ULCVs," "free up valuable real estate that can be used for terminal expansion," and "increase its container handling capacity."[40]

EJC-10

As these grant applications demonstrate, the Port is already pursuing precisely the type of growth that would complement an expansion of the Basins. If all these projects continue to move forward simultaneously, it could facilitate growth at the Port by increasing container throughput. Billions of dollars in federal funding have been made available for these and other infrastructure upgrades throughout the country due to the passage of the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022. The grants the Port is pursuing are the first of many that could facilitate an expansion in cargo throughput. If not adequately disclosed and mitigated, such an expansion of Port activity will increase air pollution and cause harm to the communities living adjacent to the Port. The Corps' conclusory assertion that the Port has berth and yard constraints thus takes an improperly myopic view of the operational landscape.

The DEIR makes the analogy in its Project Description that widening the turning basins is equivalent in scope and impact to widening a lane on a roadway.[41] We agree with the parallel, but not in the way the Port seems to suggest. Contrary to the Port's assertions, there is significant evidence and a deep body of research that shows that enhancing freeway access and widening

EJC-11

[36] *Id.* at 1; *see* DEIR at 2-3 [map].
[37] U.S. MARAD, "Biden-Harris Administration Announces More Than $703 Million to Improve Port Infrastructure, Strengthen National Supply Chains, Lower Costs" (Oct. 28, 2022), https://www.maritime.dot.gov/newsroom/biden-harris-administration-announces-more-703-million-improve-port-infrastructure; U.S. MARAD, "FY 2022 Port Infrastructure Development Grant Awards" (Oct. 28, 2022) at 2, https://cms.marad.dot.gov/sites/marad.dot.gov/files/2022-10/FY%202022%20Port%20Infrastructure%20Development%20Grant%20Awards.pdf.
[38] *See generally* Port of Oakland, "FY 2022 Port and Freight Infrastructure Program (PFIP): Terminal Modernization Project" (submitted Jan. 13, 2023 to CalSTA), https://www.portofoakland.com/wp-content/uploads/CalSTA-PFIP_Terminal-Modernization-Narrative_Final_01-13-23.pdf.
[39] CalSTA, "Port and Freight Infrastructure Program Selected Projects – Project Detail Summary" (July 6, 2023), https://calsta.ca.gov/-/media/calsta-media/documents/pfip-awards-summary-narrative-7-6-23-a11y.pdf.
[40] *See generally* Port of Oakland, "FY 2022 Port and Freight Infrastructure Program (PFIP): Terminal Modernization Project", https://www.portofoakland.com/wp-content/uploads/CalSTA-PFIP_Terminal-Modernization-Narrative_Final_01-13-23.pdf at 6, 16, and 7, respectively.
[41] DEIR at 2-22 ("Much like widening a lane on a roadway to safely accommodate wider vehicles does not increase its vehicular handling capacity . . . widening the turning basins to accommodate longer vessels does not change the Port's container handling capacity.").

roadways increases the number of vehicles transiting through a roadway,[42] often with devastating public health and air quality impacts for nearby communities.[43] In other words, in other expansion projects that are analogous to the Project here and that have been studied, there is research and other evidence that expansion *does* induce growth. The DEIR does not provide substantial evidence to counter this reality. We urge the Port to revisit its induced growth analysis and adequately disclose foreseeable impacts from expansion of the Turning Basins in the appropriate context: a physical modification to Port property, in an environment in which the Port is simultaneously seeking funding to expand its own landside capacity, while operating next to a community that is already disproportionately burdened by air pollution and truck traffic associated with freight movement. Accordingly, the DEIR must be revised and recirculated. EJC-11

III. The DEIR Fails to Analyze a Reasonable Range of Alternatives

The DEIR is also unlawful for failing to properly analyze a reasonable range of alternatives. Under CEQA, a proper analysis of alternatives is essential to comply with the Act's mandate that significant environmental impacts be avoided or substantially lessened where feasible.[44] Indeed, the analysis of alternatives lies at the "core of an EIR,"[45] and an EIR must "ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official."[46] As explained below, the DEIR's alternatives discussion fails to comply with CEQA as it relies on an inadequate project description, fails to consider alternatives which offer substantial environmental advantages, and fails to properly discuss its "no project" alternative. The DEIR must be revised to properly analyze Project alternatives, as required by CEQA. EJC-12

A. The DEIR Cannot Properly Consider Alternatives Without an Adequate Project Description

By failing to properly define the purpose, need, and scope of this Project, the alternatives considered by the Port in the DEIR are far too narrowly constrained. The alternatives analysis in the DEIR is therefore inadequate. As described above in Section I, the DEIR limits the scope of EJC-13

[42] Duranton & Turner, "The Fundamental Law of Road Congestion: Evidence from US Cities" (September 2009), https://www.nber.org/papers/w15376; Mogridge, "The self-defeating nature of urban road capacity policy: A review of theories, disputes and available evidence," 4 Transport Policy 1 (January 1997), https://www.sciencedirect.com/science/article/abs/pii/S0967070X96000303; Weingart, "Widening Highways Doesn't Fix Traffic. So Why Do We Keep Doing It?" New York Times (Jan. 6, 2023), https://www.nytimes.com/2023/01/06/us/widen-highways-traffic.html.

[43] Weaver, "New questions emerge over Caltrans approval of $140M highway plan in Fresno County" (December 4, 2023), https://fresnoland.org/2023/12/04/caltrans/?utm_id=121302&sfmc_id=4406305&skey_id=68054bb27588e6184cc6394aea014afe7f0fc0dbcb90e11faf0505c2f74f3bc1 (investigation shows state agency ignored key air quality and environmental justice impacts of an expansion of Highway 99 in south central Fresno by failing to analyze traffic impacts from expansion).

[44] Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443–45.

[45] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.

[46] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 735; *see also* Pub. Resources Code, § 21002.1(a).

environmental review by artificially narrowing the project description. Thus, it minimizes the Project's impacts and undermines public review. Without a proper description of the Project and its impacts, it is impossible to adequately assess alternatives to the Project in a way that complies with CEQA. EJC-13

B. The DEIR Fails to Adequately Consider Alternatives That Offer Substantial Environmental Advantages, and Instead Considers a Sham Diesel Alternative

An EIR must consider a reasonable range of alternatives which "offer substantial environmental advantages over the project proposal."[47] The Public Resources Code makes it clear that proper alternatives need to "substantially lessen" the significant environmental effects of a project.[48] Despite this clear mandate, the one alternative the DEIR discusses beyond the "no project" and the two partial-project alternatives is the "[w]idening of the [inner harbor turning basin] and [outer harbor turning basin] with Use of Diesel-Fueled Dredges" alternative ("Diesel Alternative"). The only difference between the proposed Project and the Diesel Alternative is that diesel-fueled dredges would be used instead of electric dredges to complete all dredging activity proposed in the Project.[49]

The single reasonable justification for considering a diesel-fueled dredging alternative, which will clearly have substantially worse air, greenhouse gas, and noise impacts, is if that alternative would substantially lessen the impacts from energy consumption. However, review of the energy impact analysis section of the DEIR reveals it *already includes* diesel-fueled dredges as mitigation for the Project's energy impacts, as discussed further in Section IV. F. EJC-14

The DEIR finds that Impact ENE-1, dealing with inefficient and wasteful use of energy, is potentially significant.[50] As a mitigation measure the DEIR proposes MM ENE-1. This measure calls for switching from electric to diesel dredging during peak electricity demand events: When the California Independent System Operator issues an Energy Emergency notice, ordering utilities to begin rotating power outages (EEA 3), the Port will stop electric dredging activities, and may use diesel dredging.[51]

The DEIR then concludes that implementation of this measure will reduce the impact to less than significant, by ensuring "that in the event of peak electricity demand overloads . . . the electrical dredging operations would switch from electricity use to diesel use temporarily to help decrease electricity demand and assist in avoiding potential brownouts or other consumers curtailment of energy supply."[52]

In other words, the DEIR energy analysis *already considered and recommended* a mitigation measure that is based on using diesel fueled dredges, instead of electric ones, at

[47] *Citizens of Goleta Valley, supra,* 52 Cal. 3d at 566.
[48] Pub. Resources Code, § 21002; *see also* CEQA Guidelines, §15126.6(a).
[49] DEIR at 5-16.
[50] *Id.* at 3.6-15 to 3.6-18.
[51] *Id.* at 3.6-19
[52] *Id.* at 3.6-19.

certain peak times. Once this mitigation measure is proposed in the DEIR and the DEIR concludes it will reduce energy impacts to less than significant, there is no reasonable justification to propose an all-diesel alternative. Not surprisingly, the Diesel Alternative discussion finds this alternative to indeed increase the severity of the impacts from greenhouse gases, air pollution, and noise.[53] The Diesel Alternative violates CEQA's mandate that alternatives should offer substantial environmental advantages over the proposed project,[54] and leaves the alternatives discussion inadequate under CEQA.

EJC-14

Instead of a sham alternative, the DEIR should have considered alternatives that actually minimize or avoid impacts from the proposed Project. For example, the Port could consider an alternative that does not use outdated diesel-powered and gasoline-fueled equipment commonly used during construction projects by relying on commercially available zero-emissions equipment instead—like, for example, alternatives consistent with the 89 emissions reduction measures in West Oakland's Community Action Plan ("WOCAP") under Assembly Bill (AB) 617. Or the Port could have considered alternatives that would require visiting vessels to limit ship speeds to address ship strikes that cause marine mammal deaths. Alternatively, the Port could have also considered an alternative that uses the dredged material to raise the Bay's shoreline and protect local communities against flooding from rising sea levels, instead of moving dredged material elsewhere. "[A]n agency may not approve a proposed project if feasible alternatives exist that would substantially lessen its significant environmental effects."[55] The DEIR must be revised to consider these and other reasonable alternatives, as required under CEQA.

EJC-15

C. The DEIR's "No Project" Alternative is Inadequate Under CEQA

For the legally required "no project" alternative, the DEIR absolves itself with a one paragraph discussion, finding that with the "no project" alternative none of the Project's environmental impacts would occur, but that this alternative would also "continue the navigational inefficiencies described in Chapter 2."[56] The DEIR also finds that the estimated 2-13 percent reduction in operational emissions would not be realized and that if contaminated soil is present it would not be removed.[57]

EJC-16

This summary discussion is inadequate under CEQA. CEQA Guidelines require that the no project analysis discuss "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."[58]

Here, however, besides a vague reference to the "navigational inefficiencies" in the project description, the discussion lacks "adequate information regarding the no-project alternative" that would allow the decisionmakers to make "an informed, reasoned decision on

[53] *Id.* at 5-17 to 5-20.
[54] *Citizens of Goleta Valley*, *supra*, 52 Cal. 3d at 566.
[55] *Save Panoche Valley v. San Benito Cnty.* (2013) 217 Cal. App. 4th 503, 521 (citations omitted).
[56] DEIR at 5-21.
[57] *Id.* at 5-21.
[58] CEQA Guidelines, § 15126.6(e)(2).

whether this Project should go forward."[59] In *Save the Hill Group v. City of Livermore*, the court found that a "no-project" alternative that failed to provide adequate information as to what would be reasonably expected to occur if a project would not go forward is in violation of CEQA and set the EIR approval aside.[60] The same reasoning applies here. The DEIR should contrast the impacts of the proposed Project with the impacts of the no-project alternative, with specificity and, where possible, quantification, across all impact categories. It should provide a "factually based forecast of the environmental impacts of preserving the status quo."[61]

Here, the DEIR continuously fails to explain what is reasonably expected to occur in the "no project" scenario. First, according to the DEIR's own data, the number of large vessel calls to the Port only slightly increased over the last ten years (and dropped between 2020-2022).[62] The DEIR leaves it unclear how that would translate into "navigational inefficiencies" *going forward*, should the Project not be approved. Second, the DEIR points to "safety and environmental risks" as a justification for the Project,[63] but fails to support this claim with data on past accidents or environmental impacts to enable a proper evaluation of the risk in the "no-project" scenario. Third, the DEIR fails to back up its claim that these inefficiencies are causing operational emissions, and in any case, even the DEIR's own estimate admits the Project's purported emissions reduction can be as low as 2 percent by 2030.[64] Moreover, the PSE Report, attached as **Exhibit A**, points out the DEIR fails to account for all operational changes resulting from the Project, and that in fact anchorage operational emissions are expected to increase as a result of the Project.[65]

EJC-16

This missing information is, in the words of the *Save the Hill Group* court, "just the sort of information CEQA intended to provide those charged with making important, often irreversible, environmental choices on the public's behalf."[66] The alternatives analysis must be revised to provide a robust discussion of the "no-project" reasonable consequences.

IV. The DEIR Fails to Analyze and Mitigate Significant Impacts

The discussion of a proposed project's environmental impacts is an essential component of an EIR.[67] As explained in detail below, the DEIR's environmental impacts analysis is deficient under CEQA because – in addition to ignoring the Project's foreseeable operational impacts – it also fails to provide the necessary facts and analysis to allow the Port's staff and the public to make informed decisions about the Project.

EJC-17

[59] *Save the Hill Grp. v. City of Livermore* (2022) 76 Cal. App. 5th 1092, 1113.
[60] *Id.*
[61] *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 234 Cal. App. 4th 214, 253.
[62] DEIR at 2-14 (Figure 2.3-2).
[63] *Id.* at 2-17.
[64] *Id.* at 3.3-46.
[65] PSE Report at 4-5.
[66] *Save the Hill Grp., supra*, 76 Cal. App. 5th at 1113, review denied (July 13, 2022).
[67] *See* CEQA Guidelines, § 15126.2(a) ("An EIR *shall* identify and focus on the significant effects of the proposed project on the environment.") (emphasis added).

An EIR must effectuate the fundamental purpose of CEQA: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made."[68] To do so, an EIR must contain facts *and* analysis, not just an agency's bare conclusions.[69] Thus, a conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational mandate.

Additionally, an EIR must identify feasible measures to mitigate significant environmental impacts.[70] An agency must have specific evidentiary support for a conclusion that mitigation will be effective and enforceable.[71] Under CEQA, "public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."[72] Throughout the discussion of the Project's environmental impacts, the Port's proffered mitigation measures are insufficient, riddled with inconsistencies, and ultimately not adequate to satisfy CEQA's legal requirements.

EJC-17

A. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts on Air Quality

1. The DEIR inadequately describes the existing air quality setting

When analyzing a project's adverse environmental impacts under CEQA, "[t]he significance of an activity depends on the setting."[73] The DEIR analysis of air quality impacts from operation and maintenance violates CEQA's mandate to provide the most accurate and understandable picture of the project's setting,[74] rendering the analysis inadequate under CEQA:

Under its "Operation and Maintenance" analysis section, the DEIR acknowledges the existence of some changes "associated with in-water operations"[75] would occur as a result of the Project. To analyze the impact of these changes, the DEIR uses a future operational baseline, rather than the existing baseline, which is the rule under CEQA.

EJC-18

In one short paragraph, the DEIR argues that the use of future baseline is allowed under CEQA "because the vessel fleet will likely change in the future as a result of other economic and global influences."[76] In particular, the DEIR argues that the Port will experience a 2.1 percent growth in cargo annually with or without the Project, and that "the mix of OGVs and number of vessel calls are expected to change" and "will be substantially different from the current mix of OGVs and number of vessel call" when compared to a future "No Project" scenario. With this

[68] *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123.
[69] *Citizens of Goleta Valley, supra,* 52 Cal.3d at 568.
[70] CEQA Guidelines, § 15126.4.
[71] *See, e.g., Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168.
[72] Pub. Resources Code, § 21002.
[73] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718; *see also* CEQA Guidelines § 15125.
[74] CEQA Guidelines, § 15125(a).
[75] DEIR at 3.3-45.
[76] *Id.* at 3.3-45 to 3.3-46.

scant explanation, the DEIR turns to compare the Projects air emissions impacts against the future emissions projected for 2030, 2040 and 2050.

This analysis violates CEQA. CEQA allows for the use of future conditions as a sole baseline only under two conditions: first, the agency must demonstrate with substantial evidence that use of existing conditions would be either misleading or without informative value. Second, the analysis must be supported by reliable projections based on substantial evidence in the record.[77]

The DEIR fails on both requirements: first, it fails to show current conditions are misleading or without informational value. Claiming that things will "likely change in the future" does not establish that. The fact that things will change in the future holds true for just about any project under CEQA, and the DEIR fails to establish there are any "unusual aspects of the project or the surrounding conditions"[78] that justify the use of a sole future baseline, as ordered by the Supreme Court. EJC-18

Second, the DEIR fails to show that its projections are reliable and based on substantial evidence. As discussed below and in Section II, the DEIR's assumption that more frequent visits by larger vessels will be more than offset by a smaller number of calls by smaller container ships is not supported by the evidence and is contradicted by data. In addition, the DEIR itself admits that the model it uses to estimate future vessel calls "does not assess landside operations" and that "[e]valuation of any landside operational changes in emissions would require additional data not readily available at this time."[79] The DEIR thus fails to support its analysis with "reliable projections."[80]

The DEIR must be revised to include a proper baseline for its air quality analysis, as required under CEQA.

2. The DEIR inadequately describes existing air pollution

When analyzing a project's adverse environmental impacts under CEQA, "[t]he significance of an activity depends on the setting."[81] It is imperative that an EIR accurately and fully describe a project's environmental setting because this description forms the baseline for evaluating the project's environmental impacts.[82] Indeed, the DEIR here must demonstrate not only that the Project's environmental impacts were adequately investigated but that these impacts were "considered *in the full environmental context.*"[83] It is impossible for the DEIR to fulfill its informational purpose if it is not adequately describing or considering the existing environment and adjacent communities—including West Oakland—that may be impacted by the Project. EJC-19

[77] CEQA Guidelines, § 15125(a)(2).
[78] *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal. 4th 439, 451.
[79] DEIR at 3-3.
[80] CEQA Guidelines, § 15125(a)(2).
[81] *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at 718; *see also* CEQA Guidelines, § 15125.
[82] *See* CEQA Guidelines, § 15125(a).
[83] CEQA Guidelines, § 15125(c) (emphasis added).

The Port's failure to analyze air quality impacts from operational changes driven by the Project is particularly troubling considering Oakland's persistent and well-documented struggles addressing air pollution. In its 2022 State of the Air report, the American Lung Association ranked the Oakland area as the fourth most polluted in the U.S. for daily and year-round particle pollution.[84] Air pollution harms are particularly acute for the community of West Oakland, which was designated as a first-year priority community under AB 617 precisely because of the disproportionate pollution burdens experienced by residents.[85] Both the WOCAP and the City of Oakland's Equitable Climate Action Plan ("ECAP") acknowledge that the Port is a major contributor to these harms. As the ECAP states, "[o]cean-going vessels and trucks serving the Port bring high levels of diesel pollution and fine particulate matter to West Oakland and communities living along the 880 freeway corridor, increasing the incidence of cancer and asthma in these populations."[86]

EJC-19

West Oakland is one of the most pollution-burdened areas of the state, with elevated levels of diesel particulate matter (diesel PM), fine particulate matter ($PM_{2.5}$), and toxic air contaminants ("TACs"). The community is ranked in the 80–90th percentile for pollution burden in California.[87] Residential blocks in West and Downtown Oakland nearest to the Port show the highest rates of air pollution-associated increase in coronary disease among seniors.[88] The community includes several sensitive receptors, including 17 schools and 15 licensed daycare facilities.[89] The air pollution burden compounds existing vulnerabilities and exposure risks. West Oakland residents not only experience some of the highest rates of asthma and cardiovascular disease in the region, but also of unemployment and poverty.[90]

These injustices are compounded by the fact that West Oakland remains primarily a community of color. Approximately 42 percent of residents are Black (compared to 6 percent of all Bay Area residents), 18 percent identify as Latino, and 11 percent are Asian.[91] Recent studies highlight the stark racial disparities in health burdens: neighborhoods with higher proportions of residents of color experience double the rate of asthma from air pollution compared with nearby

[84] American Lung Association, "State of the Air 2022," at 13, 15, https://www.lung.org/getmedia/74b3d3d3-88d1-4335-95d8-c4e47d0282c1/sota-2022.pdf.
[85] CARB, "West Oakland," https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communities/west-oakland (accessed Dec. 1, 2023).
[86] City of Oakland, "Oakland 2030 Equitable Climate Action Plan" (July 2020) (hereafter "ECAP") at 6, https://cao-94612.s3.us-west-2.amazonaws.com/documents/Oakland-ECAP-07-24.pdf.
[87] Cal. Office of Environmental Health Hazard Assessment ("OEHHA") "CalEnviroScreen 4.0 Indicator Maps" (accessed Dec. 14, 2023) https://experience.arcgis.com/experience/ed5953d89038431dbf4f22ab9abfe40d/?data_id=dataSource_25-17c3d89e7e2-layer-1%3A4906.
[88] ECAP, *supra*, at 7.
[89] CARB, "West Oakland," https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communities/west-oakland (accessed Dec. 1, 2023).
[90] *Id.*
[91] BAAQMD & WOEIP, "Owning Our Air: The West Oakland Community Action Plan," Vol. 1 (Oct. 2019) (hereafter "WOCAP") at 2-6, https://www.baaqmd.gov/-/media/files/ab617-community-health/west-oakland/100219-files/final-plan-vol-1-100219-pdf.pdf?la=en.

white neighborhoods.[92] As elaborated in our February 14, 2022 and June 16, 2023 Coalition Comment Letters to the Army Corps, freight operations associated with the Port of Oakland constitute the largest source of cancer risk in West Oakland.

The existing air pollution burden for low-income communities and communities of color in West Oakland and its status as a California AB 617 priority community make the Port's failure to adequately analyze air pollution impacts from the Project an even more glaring violation of CEQA. CEQA Guidelines make clear that "a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant."[93] This highlights the heightened importance of carefully considering impacts from a project adjacent to West Oakland, where even impacts that elsewhere might be insignificant can have a significant impact. EJC-19

3. The DEIR fails to consider impacts from changes to Port operations

As explained above in Section II, the Port does not provide support for the assumption that more frequent visits by larger vessels will be "more than offset by a smaller number of calls by smaller container ships as compared to the no project scenario."[94] However, even if the Project were to lower the total number of vessel calls and maintain total levels of cargo throughput, the larger vessels accommodated by the Project will have foreseeable operational impacts that will affect air quality, including impacts on the community from intensification of emissions from cargo handling and changes in ground traffic flow, as well as impacts of changed emissions from vessels at anchor. Failure to disclose, analyze, and adopt mitigation for these impacts violates CEQA.[95] Here, the Port completely fails to discuss these impacts—a result, at least in part, of its improper delineation of the project scope and definition to omit operations that impact local communities. EJC-20

As an initial matter, the Port's claim that the Project "is not a development project that removes a barrier to growth" is unsupported. As noted by EPA, the Tioga Report cited by the Port contradicts this point, as it indicates that the Project removes a vessel size "TEU restriction."[96]

Moreover, the Tioga Report makes clear that even the same total amount of cargo delivered on fewer, larger ships will impact operations by causing cargo "surges."[97] Larger ships deliver more cargo at once and will take longer to load and unload, spending more time in the harbor. The Tioga Report also indicates that the stress from these larger, simultaneous loads can

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[92] Southerland, et al., "Assessing the Distribution of Air Pollution Health Risks within Cities: A Neighborhood-Scale Analysis Leveraging High-Resolution Data Sets in the Bay Area, California," 129 Envtl. Health Perspectives 3 (Mar. 2021), https://doi.org/10.1289/EHP7679.
[93] CEQA Guidelines, § 15300.2(a).
[94] Ramboll, Future Vessel Call Air Emissions with and without Oakland Turning Basin Widening Project (July 31, 2023) at 1/6.
[95] *See* CEQA Guidelines, § 15126.2(a) ("An EIR *shall* identify and focus on the significant effects of the proposed project on the environment.") (emphasis added).
[96] Tioga Report at 125.
[97] *Id.* at 61.

increase the amount or size of cargo handling equipment required.[98] The arrival of these ships at other U.S. ports has caused port congestion. A 2021 study by Jungen *et al.* discussing the rise of ULCVs concluded, based on practical observations and empirical studies, that ULCVs experience "significantly longer port stay times" compared to smaller vessels, which in turn puts "enormous pressure on terminal operators to increase handling efficiency."[99] One way operators may handle such pressure is by increasing reliance on cargo handling equipment, and in particular, by increasing "crane intensity": the number of cranes deployed per calling vessel.

That research has already borne out in ports across the United States. In Florida, Port Miami "raced" to replace its crane equipment to be ready to handle an influx in ULCVs alongside a planned dredging project that would deepen its shipping canal.[100] In the South Coast ports, larger exchanges are "causing congestion throughout the Southern California Supply Chain, with average truck turn times in Los Angeles and Long Beach spiking, container dwell times on the rise, and average chassis dwell times at warehouses in the region more than double the normal time."[101] Jungen *et al.* found a relationship between the number of containers handled per port call (also known as "call size") and coastal road traffic, apparently by trucks transporting the cargo flowing to and from the ULCVs calling on local ports. "Especially ports with a high modal share of road transportation show increased gate congestion in relation to arrivals of larger vessels."[102] In other words, as the number of containers per vessel goes up, so too does the local truck traffic. These data are further corroborated by a short paper issued by CARB on the emissions impacts of recent congestion at California ports, which noted the strong correlation between increases in cargo imports, traffic congestion at ports, and resulting regional air pollution.[103]

EJC-20

Thus, existing research and recent empirical experience shows it is reasonably foreseeable that callings by ULCVs could increase pressures on local Port-side infrastructure in a manner that creates spikes in air emissions. In a land-constrained area with little additional room to store containers, the DEIR does not explain how larger vessel calls could avoid either the intensification of cargo handling and traffic flow or the expansion of land-side operations to increase overall capacity. Unless increases in regional truck traffic and land-side cargo handling equipment are limited exclusively to zero-emissions technologies, then any increase in truck traffic or cargo handling operation intensity will at a minimum cause periodic increases to the air pollution burden on the West Oakland community. As the PSE Report concludes, "[t]hese

EJC-21

[98] *Id.* at 62.
[99] Jungen, et al., "The Rise of Ultra Large Container Vessels: Implications for Seaport Systems and Environmental Considerations," Dynamics in Logistics 249–275 (2021) at 258–59, https://link.springer.com/chapter/10.1007/978-3-030-88662-2_12.
[100] "Port Miami Upgrades Cranes in Race for Giant Cargo Ships," ColumbusCEO (Oct. 7, 2013), https://www.columbusceo.com/story/business/2013/10/07/portmiami-upgradescranes-in-race/22907038007/.
[101] Bill Mongelluzzo, "Increasing Vessel Sizes a Red Flag for US Ports" (Dec. 21, 2020) https://www.joc.com/article/increasing-vessel-sizes-red-flag-us-ports_20201221.html.
[102] Jungen, et al., *supra*, at 258–60.
[103] *See* CARB, "Emissions Impacts of Recent Congestion at California Ports" (Sept. 13, 2021), https://ww2.arb.ca.gov/sites/default/files/2021-09/port_congestion_anchorage_locomotives_truck_emissions_final_%28002%29.pdf.

changes are expected to result in higher overall energy demand, an increase in the spatial and temporal distribution of atmospheric emissions, an increased risk of congestion, and resulting spikes in emissions due to idling trucks and pulses in cargo handling equipment usage."[104] Despite the large body of research and experience pointing to inevitable intensification of cargo handling and traffic flow from the increased ULCV callings, the Port completely omits any discussion of the operational consequences—much less the operational impacts—of the Project.

EJC-21

The DEIR also fails to disclose or analyze the impacts of at-anchor emissions by ULCVs on air pollution. The Port's "Emissions Inventory Report" confirms that ocean-going vessels accounted for more than half of the diesel particulate matter and more than three-quarters of the nitrogen oxide emissions at the Port in 2020. That Report also indicates that the number of hours vessels spent at anchor (awaiting a berth assignment at the Port or their next port of call assignment) increased from 1,505 total hours in 2005 to 6,815 total hours in 2020; the average time at anchor per vessel also increased from 15.2 hours in 2005 to 27.4 hours in 2020.[105] The Port should have analyzed whether, and to what degree, the increase in anchorage times correlates to the trend of increased callings by ULCVs, which the Port reported in its Emissions Inventory Report. As stated in the Carr Report, attached as an Exhibit to the June 2023 Coalition Letter, the average time spent at-anchorage is significantly longer than for smaller vessels, meaning larger vessels would increase both the intensity and the duration of anchorage emissions.[106] The Port additionally should have analyzed in the DEIR the degree to which anchorage times by ULCVs will contribute to the regional air pollution burden. For example, larger ships might foreseeably emit more pollutants per hour while waiting at anchor than smaller ships do—even if there are fewer total ships calling on the Port.

EJC-22

Finally, the DEIR unreasonably curtails the geographic extent and granularity of its analysis. As explained throughout, the Port's decision to unreasonably truncate its review to a 1-mile radius falls woefully short of capturing the extent and potential harm from air quality impacts associated with the Project. This scope egregiously excludes the directly adjacent, 6.5-square mile neighborhood of West Oakland as well as nearby Alameda. It is well-established that pollution from ships can travel far beyond the Port itself, deteriorating air quality in both coastal and inland regions.[107] Recent research demonstrates that additional vessel tonnage or vessel visits to a port increases pollution concentrations for major air pollutants within a 25-mile radius, causing additional hospital visits among Black residents in particular. In another omission, the DEIR relies on a 50-meter spacing for its grid spacing analysis north of Highway 260, which contains many residential communities and other sensitive receptors. This is inexplicable, given that the DEIR uses the appropriate, finer grain 20-meter spacing in its analysis to the west of Webster Street, where there are fewer residential communities. As the PSE Report observes, "[a] 50-meter grid spacing may not accurately capture the increased health risks at these sensitive

EJC-23

[104] PSE Report at 6.
[105] Lindhjem, et al., "Port of Oakland 2020 Seaport Air Emissions Inventory Final Report" (Nov. 2021) at 24.
[106] Carr, Energy and Environmental Research Associates, "Oakland Harbor Turning Basins Widening: Peer review services for evaluating Air Quality, Emissions, and Economic Analysis: Operations and Emissions" (June 12, 2023) (hereafter "Carr Report") at 10.
[107] *See, e.g.*, Toscano, "The Impact of Shipping on Air Quality in the Port Cities of the Mediterranean Area: A Review," 14 Atmosphere 7 (July 2023), https://doi.org/10.3390/atmos14071180.

receptors, especially when estimating the acute health risks from the Project's operation…[t]o better estimate the health impacts of the Project's construction and operation, the DEIR should use a 20-meter grid spacing around the modeled roadways, particularly in areas with known sensitive receptors such as residences and daycares."[108]

EJC-23

4. The DEIR fails to mitigate air quality impacts

The DEIR's proposed air quality mitigation measures are wholly inadequate. As in other impact sections, the Port makes the unsupported claim that there will be no significant air quality impacts from operational changes, and therefore declines to provide mitigation measures that are both necessary and feasible. As the PSE Report lays out, TAC emissions will fluctuate even if the Port's unsupported claims were accepted that overall cargo throughput are unchanged. Many TACs cause health impacts as a result of only one hour of exposure, with some causing severe acute impacts. Because hourly emissions increases will cause increased air quality impacts, the Port's dismissal of criteria pollutant emissions associated with operations as "negligible" is unjustified.

EJC-24

Even for the construction impacts, which the Port concedes will be significant, the DEIR largely relies on a combination of re-stated existing State policies and vague, unenforceable suggestions. Requiring construction and other equipment to use Tier 4 engines or 2015 model year trucks is insufficient, given that CARB and BAAQMD both provide significant funding assistance for not only Tier 4 but zero-emissions on- and off-road heavy-duty equipment. BAAQMD's funding is even designated for use in West Oakland as a priority area.[109] The Port declined to require that all equipment and on-road trucks be zero-emissions by asserting that electric alternatives require infrastructure and that it is "unknown at this time whether an investment in such vehicles would be feasible during the short-term project construction period."[110]

EJC-25

The obligation to use zero-emissions trucks is already State policy – CARB requires all new Port drayage trucks to be zero-emissions starting in January 2024, and progressively phases in requirements for all fleets to be zero-emissions by certain dates, depending on their range and duty cycle requirements. Notably, trucks and equipment operating at ports and construction sites would not face the range limitations that necessitate longer compliance times.[111] Several original equipment manufacturers ("OEMs") already provide commercially available battery-electric port

[108] PSE Report at 13.
[109] BAAQMD, "Off-Road Equipment," https://www.baaqmd.gov/funding-and-incentives/businesses-and-fleets/off-road-vehicles (updated Nov. 28, 2023).
[110] DEIR at 3.3-55.
[111] "Electric trucks are well suited to port work. The trucks conducting drayage operations typically don't have very long routes, carrying containers from ports to warehouses in the area, and they all tend to stay within a given geographic space, making their needs easy to predict." Ramey, "Here's Why Drayage Trucks Are Among the First to Go EV" (Sep. 14, 2022), https://www.autoweek.com/news/green-cars/a41209987/electrify-america-truck-chargers-long-beach-port-drayage/.

trucks and construction equipment.[112] Moreover, the Port *itself* committed in 2019 to achieving zero emissions across all its operations – including through the installation of electric infrastructure to support the transition – a commitment that cannot be reconciled with their assertion that the need for or availability of electric equipment and infrastructure casts uncertainty on their use as mitigation.[113] The DEIR fails to justify its exclusion of zero-emissions alternatives for trucks and equipment as feasible mitigation.

EJC-25

5. The DEIR underestimates cumulatively considerable air quality impacts

Despite the DEIR's conclusion that the Project will cause significant and unavoidable impacts to air quality in and around the Project Area, the DEIR still underestimates the severity of the Project's air quality impacts.

Cumulative impacts are a particular concern for communities near the Port because residents are already overburdened by air pollution and other stressors and therefore are especially susceptible to adverse health consequences stemming from projects such as this one. As discussed in these comments, communities such as West Oakland are designated as environmental justice communities precisely because of the cumulative nature of the impacts they endure. Despite this stark backdrop, the DEIR provides no information to inform the public or decisionmakers of the estimated air quality impacts of the Project together with related past, present, and reasonably foreseeable future projects in the region. The DEIR acknowledges that the Project's construction emissions will compound existing health problems and further worsen the health crisis in the community in exceedance of BAAQMD CEQA thresholds.[114] Yet the Port offers no actual data or estimates for community members, and does not connect anticipated air pollution to the health impacts it might expect from any approval, a failure that is particularly egregious in the historically overburdened AB 617 community of West Oakland.[115]

EJC-26

Because of these numerous deficiencies, the Port's proposed mitigation measures are wholly inadequate to address the Project's contribution to existing cumulatively considerable air quality health burdens in the region. Reliance on diesel dredges during peak electricity demand events will only worsen air quality and health problems, not mitigate them, and the DEIR makes no attempt to identify other measures.

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[112] *See, e.g.*. Lund, et al., Technology and Market Assessment of Zero-Emission Off-Road Equipment (Oct. 2022), https://calstart.org/wp-content/uploads/2022/10/off_road_report_october_2022.pdf; Volvo, "Electric Machines" https://www.volvoce.com/united-states/en-us/products/electric-machines/; Whisner, "Future Fuels Pt. 2: OEMs Ready for an Electric Revolution" (Jun. 2, 2023), https://www.equipmentworld.com/alternative-power/article/15303165/who-offers-options-for-electric-construction-equipment.

[113] Port of Oakland, "Port of Oakland Approves Seaport Air Quality 2020 and Beyond Plan (June 17, 2019), https://www.portofoakland.com/press-releases/port-oakland-approves-seaport-air-quality-2020-beyond-plan/.

[114] DEIR at 4-12.

[115] *See Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521.

B. The DEIR Fails to Adequately Analyze and Mitigate the Project's Health Impacts

CEQA requires that the Port's DEIR make "a reasonable effort to discuss relevant specifics regarding the connection between . . . the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce."[116] Only then can the public "make an informed decision [about the project], as CEQA requires."[117] Yet the DEIR discusses health impacts from the Project via a faulty Health Risk Assessment ("HRA") that fails to adequately analyze and mitigate the Project's health risks, or connect those risks to either West Oakland's community characteristics and existing environmental burdens or the public health crisis in the area that is largely caused by Port activities. The PSE Report discusses the flaws in the Port's HRA and why it underestimates the severity of the Project's health impacts in further detail. EJC-27

1. The DEIR improperly assesses health risks from both Project operations and construction

As discussed throughout these comments, the DEIR and its HRA suffer from the key problem that taints the rest of the analysis by failing to disclose any of the longer-term health impacts from changes to Port operations caused by the Project. In fact, the Port attempts to have it both ways – vaguely gesturing at potential operations efficiencies and scheduling mechanisms that could reduce operations-related emissions in the future, while simultaneously dismissing any obligation to analyze those mechanisms or the impacts to Port operations. For example:

> . . . [I]mproved efficiencies and general fleet improvements for both in-water and land-based operation in the future would decrease air quality emissions with implementation of existing regulations and policies. The impact to operation would remain less than significant. . . .
>
> There may be some potential changes in localized emissions due to changes in peak activity that may influence the acute [hazard index], however, it is unlikely that these peak activity changes would be substantially different when compared to the No-Project future baseline scenario given the Port landside operation scheduling mechanisms to control and minimize peak activity concerns.[118]

Thus the Port acknowledges potential long-term impacts to land-based operations but then dismisses doing a full evaluation of health risks because the Project "would last only a small fraction of a lifetime."[119] Freight activity stemming from the Port – and the expansion of that activity in recent years – has harmed nearby communities for decades and this Project threatens to continue that legacy. Air regulators' CEQA guidelines require the Port to "estimate and evaluate the project's potential health impacts, including potential cumulative health impacts, on existing sensitive receptors in and near the project area related to construction- *and operation-*

[116] *Id.*
[117] *Id.*
[118] DEIR at 3.3-49, "App'x C: Health Risk Assessment" at 3.
[119] *Id.*, "App'x C: Health Risk Assessment" at 7.

related emissions of toxic air contaminants and $PM_{2.5}$" as part of CEQA review.[120] According to BAAQMD, these obligations are especially critical in AB 617 communities like West Oakland.[121] And the Port has not met these obligations. The Port's decision to unreasonably limit its review to a 1-mile radius further compounds its errors, by deliberately excluding the neighboring communities of West Oakland and Alameda where any land-side impacts would be felt most acutely.

As noted in the PSE Report, land-side impacts associated with increased ULCV visits "are expected to result in higher overall energy demand, an increase in the spatial and temporal distribution of atmospheric emissions, an increased risk of congestion, and resulting spikes in emissions due to idling trucks and pulses in cargo handling equipment usage."[122] The Report further explains that the DEIR and its HRA failed to disclose how the Project will exacerbate acute health risks from increased short-term (1-hour) peak activity associated with ULCV visits, both from higher hourly emissions from the larger vessels and increased use of equipment and trucks per call.[123] And contrary to the DEIR's claims, even minor updates by the Port to landside operations and yard handling could allow for the Project to expand throughput capacity.[124] EJC-27

In addition to its omission of any of these reasonably foreseeable operational impacts, the DEIR fails to adequately examine construction impacts—instead, relying on a minimal, generic, and largely conclusory analysis. For example, while it recites common health effects due to ozone exposure, the analysis does not actually estimate ozone emissions from the Project, leaving the public in the dark about the Project's pollution burdens and likely health impacts to the community. In another example, the DEIR and its HRA completely exclude how concurrent Port operations during Project construction will impact health risks, in contravention of BAAQMD's CEQA Guidelines directing that "construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap."[125] EJC-28

And despite acknowledging that construction-related emissions from the Project lead to excess lifetime cancer risk and $PM_{2.5}$ concentrations considerably higher than BAAQMD's significance thresholds even with mitigation,[126] the DEIR does not connect these significant and unavoidable air quality impacts to human health in Alameda or West Oakland.[127] Nor does the DEIR put these impacts in the context of existing public health problems in the region to examine "the potential for unequally distributed impacts" or "impacts on populations with poor EJC-29

[120] BAAQMD CEQA Guidelines, Ch. 2 at 2-13, https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-2-environmental-justicefinal-pdf.pdf?sc_lang=en (emphasis added).
[121] *Id.* at 2-7 to 2-8.
[122] PSE Report at 6.
[123] *Id.* at 7-9.
[124] *Id.* at 5-6.
[125] BAAQMD CEQA Guidelines, Ch. 5 at 5-4.
[126] DEIR at 3.3-51.
[127] *Sierra Club*, *supra*, 6 Cal.5th at 521.

health."[128] By improperly limiting its analysis to a 1-mile radius from the Turning Basins, the Port excludes almost the entirety of the neighboring communities of West Oakland and Alameda. As reiterated by the California Attorney General, "[a]ll air pollution associated with the project must be considered, regardless of where those impacts occur."[129] This includes "[d]isclosing air pollution from the entire expected length of truck trips" associated with the Project, not just "the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint."[130] The DEIR's use of a 1-mile radius to assess impacts does not even come close to meeting this standard. BAAQMD's comments on the Project reiterate these concerns about the Project's exceedances of its significance thresholds and urge the Port to properly address and mitigate impacts.

EJC-30

The Port's failure to adequately analyze health risks is especially egregious in light of the fact that existing tools are available to fully estimate Project emissions, and the Port has access to the types of input data needed to conduct an appropriate analysis, as further explained in the attached PSE Report.[131] The Port must use available tools and data to properly disclose and address health impacts from the Project. Failure to do so renders the DEIR and its HRA lacking in substantial evidence to support its conclusions.

EJC-31

2. The DEIR fails to meaningfully mitigate health impacts

While the DEIR concedes that many of the Project's health impacts will be significant and unavoidable with mitigation, the DEIR sets forth largely inadequate and ineffective mitigation measures to address these impacts overall.

Indeed, the Port's proposed mitigation measures lack the requisite level of detail and scope and are wholly inadequate to address the Project's contribution to existing health burdens in the region. Under CEQA, "public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."[132] Yet that is exactly what the Port did here. Beyond directing the use of Tier 4 engines for certain construction equipment, the Port does not consider any other feasible mitigation measures to bring health impacts to a less-than-significant level, for either construction or operations impacts associated with the Project. The sole proposed mitigation is also effectively unenforceable because the DEIR does not contain permit

EJC-32

[128] Human Impact Partners, "Minimum Elements and Practice Standards for Health Impact Assessment" (Sept. 2014) at 3, 5, https://humanimpact.org/wp-content/uploads/2014/09/HIA-Practice-Standards-September-2014.pdf ("HIA provides a profile of existing conditions for the populations affected by the proposal, including their health outcomes, health determinants, and vulnerable sub-groups within the population, relevant to the health issues examined in the HIA.").
[129] California Attorney General, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" (Sept. 2022) at 7, https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf.
[130] *Id.*
[131] PSE Report at 9-10.
[132] Pub. Resources Code, § 21002.

conditions, agreements, or other legally binding instruments that ensure use of Tier 4 engines throughout the Project.[133]

The DEIR also improperly defers mitigation until some vague future point in the Project. CEQA allows a lead agency to defer formulation of specific mitigation only when: (1) an EIR contains criteria, or performance standards, to govern future actions implementing the mitigation; (2) practical considerations preclude development of the measures at the time of initial project approval; and (3) the agency has assurances that the future mitigation will be both "feasible and efficacious."[134] The Port meets none of these conditions here.

For example, the Port claims the availability of zero-emissions or hybrid equipment, relevant charging infrastructure, and any investments in such technology are all "unknown"[135] – despite the now widespread data about the commercial availability and technical feasibility of zero-emissions technology,[136] the Port's own studies on this technology as part of its Seaport Air Quality 2020 and Beyond Plan, and the fact that infrastructure planning and funding investments are within its control. Furthermore, existing regulatory requirements and other State directives require the Port and its tenants to transition trucks and other equipment to zero emissions over the next decade to protect public health.[137] In other words, requiring the use of this technology to reduce health impacts from the Project is low-hanging fruit and there is no reason for the Port to delay this mitigation. Indeed, recent analysis commissioned by the Port confirms that issues like the availability of charging infrastructure might become more acute in the next few years if it fails to act now.[138] The DEIR's failures to mitigate Project impacts are especially egregious against the backdrop of the existing health crisis and disproportionate pollution burden in neighboring communities like West Oakland – a reality the Port should be familiar with given the Port's role in that crisis and West Oakland's selection as a first-year priority community under AB 617 in response.[139] EJC-32

In fact, the Port has no shortage of potential mitigation measures available to address this region's unique air quality and public health problems. In addition to the measures suggested throughout these comments, West Oakland's AB 617 Community Air Action Plan provides a long list of measures developed by experts, local residents, and the Port itself to reduce the

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[133] Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4(a)(2).
[134] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94–95; CEQA Guidelines, § 15126.4(a)(1)(B).
[135] DEIR at 3.3-55.
[136] *See, e.g.*, Lund, et al., Technology and Market Assessment of Zero-Emission Off-Road Equipment (Oct. 2022), https://calstart.org/wp-content/uploads/2022/10/off_road_report_october_2022.pdf; Volvo, "Electric Machines," https://www.volvoce.com/united-states/en-us/products/electric-machines/; Whisner, "Future Fuels Pt. 2: OEMs Ready for an Electric Revolution" (Jun. 2, 2023), https://www.equipmentworld.com/alternative-power/article/15303165/who-offers-options-for-electric-construction-equipment.
[137] *See, e.g.*, CARB, "Zero-Emission On-Road Medium- and Heavy-Duty Strategies" (accessed Dec. 14, 2023), https://ww2.arb.ca.gov/resources/documents/zero-emission-road-medium-and-heavy-duty-strategies.
[138] Starcrest Consulting Group, LLC, "Port of Oakland Public Truck Charging and Fueling Study, Site Assessment Results" (Oct. 3, 2023).
[139] *See* WOCAP, *supra*.

pollution burden from the freight industry. Under CEQA, the Port has an obligation to fully consider these measures and adopt them where feasible,[140] including: accelerating the transition to zero-emissions drayage trucks by setting interim year targets out to 2035, coordinating an extensive zero-emissions truck commercialization effort in partnership with the City of Oakland, adopting an electrification plan for needed upgrades to Port infrastructure, designating more truck parking to keep trucks out of West Oakland, and studying the effects on traffic and congestion due to visits from larger vessels, among other strategies.[141]

EJC-32

Beyond the bare minimum responsibility of fully considering and adopting feasible mitigation measures to address health impacts, the DEIR and its HRA must also meet one of the basic goals of health impact assessment, which is to "consider not only the mitigation of adverse effects, but also the potential to *enhance* health benefits."[142] The vaguely defined and deferred mitigation measures in the Port's DEIR fail to meet this standard and offer no assurance that the significant impacts of the Project will be mitigated. Overall, the DEIR is lacking in substantial evidence to support its conclusions about the Project's health impacts.

EJC-33

C. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Environmental Justice Communities

The DEIR makes no attempt to disclose and address the significant environmental justice concerns this Project raises for residents in neighboring frontline communities. This failure is unacceptable given the setting in which the Project may occur and renders the DEIR defective as an informational document.

1. The DEIR fails to address inconsistencies with applicable environmental justice policies

EJC-34

CEQA requires that lead agencies "consider how the environmental and public health burdens of a project might specially [sic] affect certain communities."[143] Part of the discussion should include an evaluation of the location of the project because the significance of an impact on people and the environment may change based on the project's setting.[144] Furthermore, California Government Code section 11135 prohibits discrimination by any agency receiving state funding. The DEIR should therefore include an environmental justice analysis that fully

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[140] Pub. Resources Code, § 21002.
[141] WOCAP, *supra*, at 6-25 to 6-26.
[142] Human Impact Partners, "Minimum Elements and Practice Standards for Health Impact Assessment," *supra* at 8 (emphasis added).
[143] Office of the Cal. Attorney General, "Environmental Justice at the Local and Regional Level" (2012) at 3, https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf (hereinafter "OAG Report").
[144] *Id.* at 3 ("For example, a proposed project's particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than average asthma rates.").

considers Project impacts to the region and mitigates those impacts, particularly in the AB 617 community of West Oakland.

BAAQMD's CEQA Guidelines direct entities like the Port to take extra care to properly describe the environmental setting in AB 617 communities like West Oakland, supplement technical information with "ground-truthing" and "local knowledge," and "consider preparing a racial impact statement —an analysis of how a proposed action affects racial or ethnic groups— to accompany its CEQA analysis in order to ensure and demonstrate nondiscrimination."[145] BAAQMD also directs the Port to carefully analyze consistency with AB 617 plans like the one adopted for West Oakland: "the analysis should discuss how the project supports the [AB 617 plan] goals and targets; identify which [plan] strategies are incorporated into the project and which strategies, if any, are not incorporated and present the reasons for their exclusion, supported by substantial evidence; and demonstrate that the project would not cause disruption or delay to or otherwise hinder implementation of any [plan] strategies."[146] The DEIR fails to follow any of this guidance. EJC-34

West Oakland's AB 617 Community Action Plan implements 89 different strategies designed to reduce impacts in the community from $PM_{2.5}$, diesel PM, and cancer risk from all TACs, minimize community exposure to freight activity and, importantly, to transition to a more sustainable and equitable freight system in the region.[147] According to BAAQMD, West Oakland's status as an AB 617 community places additional obligations on the Port to center environmental justice, health, and equity in its review of this Project.[148] Yet of the 89 strategies in the West Oakland plan, the DEIR briefly considers implementing 8 and never explains or supports why the other strategies are excluded.[149] The DEIR's omission renders it deficient under CEQA.

In addition, the DEIR fails to discuss Policy N5.1, "Environmental Justice" in the City of Oakland General Plan, and to discuss any conflicts with its mandate to identify "issues related to the consequences of development on racial, ethnic, and disadvantaged socio-economic groups."[150] The DEIR therefore fails in its duty to establish consistency with the General Plan: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."[151] EJC-35

2. The DEIR fails to mitigate environmental justice impacts

The DEIR must also discuss and develop mitigation measures and alternatives to the Project to address environmental justice impacts. According to the California Attorney General, "[w]here a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should EJC-36

[145] BAAQMD CEQA Guidelines, Ch. 2 at 2-10.
[146] *Id.* at 2-11.
[147] *See generally* WOCAP, *supra*.
[148] BAAQMD CEQA Guidelines, Ch. 2.
[149] DEIR at 3.3-30 to 3.3-33.
[150] Oakland General Plan Land Use and Transportation Element, Ch. 2, at 108.
[151] *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562–63.

address ways to reduce or eliminate the project's impacts to that community or subgroup."[152] If implementation of the Project will affect communities that are disproportionately people of color and low-income people already overburdened with pollution and health risks, mitigation is required to address those environmental justice concerns. Pursuant to CEQA's requirements and the Attorney General's guidance, the Port should work with the public and impacted communities to develop mitigation measures.[153] That engagement and disclosure has not happened here, rendering the DEIR lacking in substantial evidence to support it. BAAQMD also recommends considering whether the mitigation plan reduces or causes disparate impacts, and directs agencies like the Port to "identify ways to reduce or eliminate significant impacts on a particular community or sensitive group."[154]

EJC-36

It is evident that the permanent expansion of the Port achieved through this Project and others it is simultaneously pursuing could facilitate increased cargo volumes in the future. Yet the DEIR refuses to look beyond construction impacts, failing to disclose the significant pollution that could result from increased throughput at the Port. The widening of the Turning Basins will open the door for the Port to accommodate additional cargo and invite greater truck, rail, and vessel traffic through the region. This increase in goods movement will first and foremost affect freight-impacted environmental justice communities, who continue to suffer from increased health risks associated with the goods movement. As reiterated by U.S. Representative Barbara Lee in a recent letter about this Project, the Port must "ensure that the CEQA analysis is inclusive of an examination of the project's potential effects on the West Oakland community and required mitigation measures to prevent environmental misjustices."[155] The DEIR must therefore be revised for a full and fair analysis of the environmental justice impacts of this Project.

EJC-37

D. The DEIR Fails to Adequately Analyze and Mitigate the Project's Transportation Impacts

The DEIR's transportation analysis is inadequate under CEQA. First, because it fails to analyze operational transportation impacts; second, because it fails to support its assumptions with evidence and the evidence shows there are potentially significant transportation impacts; and finally, because it fails to properly mitigate the impacts it acknowledges.

EJC-38

1. The DEIR inadequately analyzes operational impacts

The DEIR fails to engage in any discussion of operational transportation impacts, summarily stating that:

EJC-39

> Because the Proposed Project is an infrastructure construction project that is not a long-term generator of trips beyond those necessary for construction, unlike land development

[152] OAG Report at 4; *see also* CEQA Guidelines, § 15041(a) (noting a "nexus" between required changes and project's impacts).
[153] OAG Report at 5.
[154] BAAQMD CEQA Guidelines, Ch. 2 at 2-16 to 2-17.
[155] U.S. Representative Barbara Lee, Letter to Danny Wan, Port of Oakland, "Inquiries on Oakland Harbor Turning Basins Widening Project" (October 25, 2023) (hereafter "U.S. Rep. Lee Letter to Port").

projects, which can have a substantial change in travel demand post construction, the impacts of the Proposed Project focus on the construction period.[156]

This assertion is inadequate under CEQA. First, it is inadequate because, as explained above in Section I, it is based on an improper project description. Second, it is inadequate because the transportation analysis section lacks *any* evidence to support it. Nowhere in the transportation analysis does the DEIR explain how a project that will enable significantly larger ships with larger carrying capacity to service the Port more frequently will have no transportation operational impacts. The DEIR's transportation analysis neither references a DEIR appendix on the topic nor incorporates an outside report.

The DEIR thus violates CEQA's mandate that the data in an EIR "must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project," and to give the readers "a better road map to the information it intends to convey."[157]

Even if the DEIR's unsupported assertion that the Project will not generate more cargo throughput on a yearly basis is correct,[158] there are *other* operational impacts the DEIR must consider, e.g., from increased concentration and idling of trucks and equipment used for loading and unloading of ULCVs. The DEIR fails to discuss or analyze any of these impacts in violation of CEQA's mandate that the duty to analyze vehicles miles traveled (VMT) for the transportation analysis ". . . does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation."[159] According to the PSE Report, the arrival of ULCVs to a port is associated with higher occupancy, more feeder traffic from trucks and trains, increased numbers of cranes and yard equipment, larger yards, and flexible port labor forces. This, in turn, is expected to result in "an increased risk of congestion, and resulting spikes in emissions due to idling trucks and pulses in cargo handling equipment usage."[160] In addition, the DEIR itself admits that such impacts exist: in its land use and planning section, the DEIR states that the removal of land from Howard Terminal "would result in the removal of truck parking on that portion of the site," requiring current users to "be relocated or consolidated" to other locations.[161] The DEIR's transportation analysis fails to disclose or analyze all these impacts

EJC-39

The DEIR's failure to analyze operations impacts also violates CEQA Guidelines and official guidance regarding VMT analysis. The DEIR summarily absolves itself from the duty to analyze VMT by arguing that the Project "would not result in a permanent increase in the amount and distance of automobile travel."[162] However, CEQA Guidelines regarding VMT

[156] DEIR at 3.14-23.
[157] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 443, as modified (Apr. 18, 2007).
[158] DEIR at 2-22.
[159] Pub. Resources Code, § 21099(b)(3).
[160] PSE Report at 6.
[161] DEIR at 3.11-18.
[162] *Id.* at 3.14-26.

analysis do not mention "permanent" increase, but rather refer to the amount and distance of automobile travel *attributable* to a project.[163]

Moreover, the OPR Technical Advisory on Evaluating Transportation Impacts states "where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Where those VMT effects will grow over time, analyses should consider both a project's short-term and long-term effects on VMT."[164] Even if the Project will not have immediate, short-term operations impacts, the DEIR must analyze its *long-term* VMT effect, accounting for known plans for expansion and growth.[165] These foreseeable changes and the resulting impacts can be forecasted using available models and methodologies, as explained in the PSE Report.[166]

EJC-39

2. The DEIR improperly analyzes conflicts with applicable transportation plans and policies

The DEIR also fails to properly analyze whether the Project would "conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities."[167] The DEIR fails both to account for all applicable programs, and to properly analyze the programs accounted for, and thus its conclusion that the Project's impact would be less than significant with mitigation is unsupported.

First, the DEIR fails to analyze whether the Project would conflict with the WOCAP, the local emissions reductions plan developed by the community per Assembly Bill 617. The WOCAP states that its steering committee "identified that most of the community's air pollution issues stem from mobile sources in and within the vicinity of the community. Mobile sources include on-road and off-road vehicles, marine, and locomotives."[168] Accordingly, the WOCAP identifies several strategies related to mobile sources.[169] But while the DEIR briefly discusses this plan in its air quality section, it fails to account for the plan and its strategies in its transportation discussion or analyze whether the Project would conflict with any of them as they relate to the circulation system.

EJC-40

Second, while the DEIR includes a long list of applicable plans, programs, and policies in the "Regulatory Setting" section of its transportation impacts analysis,[170] all the DEIR discusses under "Impact Analysis" is the increase of daily trips from construction and whether the added trips would cause the roads to exceed capacity.[171] But the claim that roads will not exceed capacity does not mean there will not be a conflict with applicable plans and policies addressing

[163] CEQA Guidelines, § 15064.3(a).
[164] Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts (2018), at 6, https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.
[165] *See* Section II, *supra*.
[166] PSE Report at 10.
[167] DEIR at 3.14-26 (Impact TRA-1).
[168] WOCAP, *supra*, at 6-3.
[169] *Id.* at 6-3 to 6-5.
[170] DEIR at 3.14-17 to 3.14- 22.
[171] *Id.* at 3.14-26 to 3.14-29.

transportation issues well beyond road capacity, such as goods movement,[172] safety and emergency access,[173] and parking.[174] The DEIR must be revised to analyze these plans and address *any* potential conflict beyond road capacity.

EJC-40

3. The DEIR fails to mitigate transportation impacts

Finally, the DEIR's transportation analysis fails to comply with CEQA because it does not adequately mitigate the Project's significant impacts. The DEIR admits that Project construction "could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact."[175] The DEIR finds the Project has a potentially significant impact from transportation[176] and proposes mitigation measure TRA-1 that it claims will reduce the impact to less than significant.[177] However, this mitigation measure is inadequate under CEQA.

Under CEQA, a mitigation measure must include criteria or performance standards against which the mitigation's actual implementation can be measured.[178] The DEIR's proposed mitigation, the "Traffic Control Plan," is a laundry list of vague actions such as "[e]ncourage passenger vehicle use of alternative routes" and "[i]dentification and enforcement of designated truck haul routes"[179] and has no performance standards to gauge their effectiveness.[180] The DEIR must be revised to include measurable and enforceable mitigation measures to address the Project's impacts.

EJC-41

4. The DEIR inadequately analyzes cumulative transportation impacts

The DEIR's failures described above impact its cumulative impact analysis and render it inadequate under CEQA. First, the DEIR's cumulative analysis limits itself to the construction period only,[181] thus failing to account for all the Project's potential cumulative impacts. Second, the DEIR's cumulative impact analysis relies on an inadequate mitigation measure, as explained above. Thus, the conclusion that the impact will be less than significant is unsupported by the evidence.[182]

EJC-42

[172] DEIR at 3.14-19.
[173] *Id.* at 3.14-20
[174] *Id.* at 3.11-18.
[175] *Id.* at 3.14-17 to 3.14-29.
[176] *Id.* at 3.14- 29.
[177] *Id.* at 3.14- 29 to 3.14-30.
[178] *San Joaquin Raptor Rescue Ctr. V. County of Merced* (2007) 149 Cal.App.4th 645, 670.
[179] DEIR at 3.14-29.
[180] *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 110.
[181] DEIR at 4-24.
[182] *Id.* at 4-24.

E. The DEIR Fails to Adequately Analyze and Mitigate the Project's Foreseeable Greenhouse Gas Emissions Impacts

1. The DEIR inadequately analyzes greenhouse gas and climate impacts

The Port fails to adequately analyze reasonably foreseeable increases in greenhouse gas and climate impacts stemming from the Project. The Port does not provide adequate information to justify its assumption that larger ships will decrease the overall number of vessel trips to the Port, nor does it support the claim that vessel idle times will be reduced. As explained in Section II, it is unrealistic to assume that more calls from larger vessels accommodated by the Project will cause a decline in total vessel trips and avoid any increase in total cargo throughput. A rise in cargo throughput will drive an increase in emissions. As an emissions inventory completed for the Port of Oakland explains: "Simply stated, if the cargo throughput doubles, this analysis assumes the source category activity will also double."[183] Absent major changes to Port equipment and ocean-going vessel technology that would dramatically alter their emissions factors, any increases in cargo throughput capacity caused by the Project will result in substantial greenhouse gas emission increases. The emissions inventory highlights that even under a scenario assuming turnover to lower-emitting technologies, capacity "growth outpaces the emission reductions achieved by control strategies resulting in . . . increases in CO2 emissions."[184]

This relationship between cargo throughput and greenhouse gas emissions is already apparent at West Coast ports amid the surge in cargo movement in 2021. As CARB notes in its 2022 Draft State Implementation Plan, "[i]ncreased cargo imports and congestion of ocean-going vessels at ports across California, together with the related increased activity of trucks and locomotives moving containers in and out of the ports, has recently led to significant emissions increases."[185] Unless there is a decisive, comprehensive effort by the Port to ensure that any increased freight activity relies on zero-emissions technologies—an unlikely prospect given the Port's overall middling progress toward a zero-emissions transition—the Project will surely increase greenhouse gas emissions and contribute to worsening climate impacts. These impacts mean that the Project will impede progress toward achieving a net-zero emissions economy at the Port of Oakland and across the State—which state and local government agencies committed to in the Port of Oakland's Seaport 2020 and Beyond Plan, the City of Oakland's Equitable Climate Action Plan, and the State of California's goal of achieving carbon neutrality by 2045.[186]

EJC-43

While in the harbor, ULCVs will demand larger amounts of power supplied by auxiliary engines during the hours that they are not plugged in. The Port's assumption that vessels would achieve "95% percent shore power utilization with 3 hours of auxiliary engine use allocated to account for connect and disconnect time consistent with the CARB At-Berth regulations" is

EJC-44

[183] Port of Oakland, "Technical Memorandum: MAQIP Update – Emissions Forecast and Potential Additional Reduction Strategies"(July 2018) at 4.
[184] *Id.* at 8.
[185] CARB, 2022 Draft State Implementation Plan (Jan. 31, 2022) at 17, https://ww2.arb.ca.gov/sites/default/files/2022-0I/Draft_2022_State_SIP_Strategy.pdf.
[186] Executive Order B-55-18 (Sept. 10, 2018) https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf.

unsupported and unrealistic given current and historic utilization trends. Unfortunately, shore power rates at the Port of Oakland have fallen well short of this target, and of State regulations requiring higher utilization rates. So far in 2023, only 84 percent of vessel calls at the Port of Oakland have successfully drawn shore power.[187] In 2022, the most recent full calendar year, only 62 percent of total vessel calls successfully drew shore power[188] – nearly 20 percent short of the required rate two years after the compliance date.[189] Timing and crowding can prevent successful shore-power connections. ULCVs are very likely to produce crowding, meaning that even if these vessels are able to plug in successfully, they could prevent other vessels from reaching shore-power plugs, requiring them to rely on auxiliary engines that would increase greenhouse gas emissions, as well as NOx and particulate matter, as discussed in Section IV.A.

EJC-44

2. The DEIR fails to adequately analyze consistency with the Oakland Equitable Climate Action Plan

Under CEQA, a lead agency should consider in its greenhouse gas ("GHG") analysis "[t]he extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions".[190] The DEIR purports to do so under significance criteria B, which requires the Port to analyze whether the Project will "[c]onflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emission of GHGs."[191]The DEIR, however, fails to include in its regulatory setting and in its analysis the Oakland Equitable Climate Action Plan (ECAP). The ECAP's stated goal is to "identify an equitable path toward cost-effectively reducing Oakland's local climate emissions a minimum of 56%, transitioning away from fossil fuel dependence, and ensuring that all of Oakland's communities are resilient to the foreseeable impacts of climate change, by 2030."[192] The ECAP includes a list of actions and strategies that will achieve that goal. Moreover, it devotes a section to the Port of Oakland and lists the actions the Port will take to achieve the plan's goals.[193] The DEIR must be revised to include an adequate analysis of the Project's consistency with the ECAP.

EJC-45

For example, the ECAP identifies that by 2022, the Port should have developed a long-term plan for full electrification of drayage trucks.[194] The DEIR does not include or reference the existence of any such plan for how the Port of Oakland will achieve compliance with State regulations requiring a transition to zero-emission drayage. Also by 2022, the ECAP calls for the Port to develop a plan for sufficient electric charging infrastructure for yard trucks and cargo handling equipment, and prepare a plan for electric charging infrastructure that "insulate[s] the

[187] Port of Oakland, "Shore Power Summary, September 2023 https://www.oaklandseaport.com/files/PDF/2023-10_Oakland_Shorepower.pdf (accessed Nov. 11, 2023).
[188] Port of Oakland, "Shore Power Summary, September 2023," https://www.oaklandseaport.com/files/PDF/2023-09_Oakland_Shorepower.pdf (accessed Nov. 11, 2023).
[189] CARB, "At Berth FAQs," https://ww2.arb.ca.gov/resources/documents/berth-faqs (accessed June 6, 2023).
[190] CEQA Guidelines, § 15064.4.(b)(3).
[191] DEIR at 3.8-13.
[192] ECAP, *supra,* at 2.
[193] *Id.* at 116–22.
[194] *Id.* at 121.

Port of Oakland from the impacts of changing electric power reliability."[195] The DEIR does not reference the existence (or lack thereof) of any of these required planning efforts. Instead, as explained below, the DEIR actually relies on a lack of charging infrastructure (which it has apparently failed to plan for by 2022) as a reason not to require zero emission vehicles and equipment as a feasible mitigation.[196] Similarly, because of its apparent failure to plan for comprehensive back up power for charging infrastructure, the DEIR states that it will rely on diesel generators to power dredges in the event of electric reliability stress events. The DEIR's omission of reference to the ECAP is a significant deficiency. Had the Port included the ECAP in its regulatory setting and analysis, it would have had to analyze whether the Project conflicts with the ECAP, and explain how the Project, which results in more GHG emissions, is consistent with the ECAP reduction goals and strategies."

EJC-45

3. The DEIR fails to mitigate greenhouse gas and climate impacts

The proposed greenhouse gas impact mitigation measures are wholly inadequate under CEQA because they lack the specificity required for enforceable measures.[197]

As an initial matter, the Port completely waves away its obligation to analyze potential significant impacts from the foreseeable operational changes expected by the increased visitation of ULCVs and dismisses expected changes as resulting in no substantial change to GHG emissions. Even for construction, which the Port admits will have potentially significant GHG impacts, the Port's proposed mitigation measure amounts to either listing existing State policies or providing vague suggestions to staff and operators. For example, the measure states that it will require all heavy-duty trucks to be model year 2015 or newer. But CARB has already adopted policies requiring this and by 2024, will require all new heavy-duty drayage trucks at ports to be zero-emissions (and by dates shortly after for other truck fleets). Similarly, CARB already has policies governing limits on idling time for off-road equipment, and the DEIR's proposal to reduce this time (from 5 to 2 minutes) relies on "clear signage" and "random monthly surveys to check for compliance."[198] The inclusion of a measure to "[r]equire all construction equipment be maintained and properly tuned in accordance with manufacturer's specifications" again simply re-states a current policy requirement. The policy to "encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers" lacks specificity, and it is unclear how this would function for construction crews with bespoke, heavy-duty equipment and their own vehicle fleets. Other listed measures focused on handling of demolition debris and efficient water use are unrelated to GHGs.

EJC-46

[195] *Id.* at 121.
[196] DEIR at 3.3-55.
[197] *See, e.g., Sierra Club*, *supra*, 231 Cal.App.4th at 1168.
[198] DEIR at 3.8-20.

F. The DEIR Fails to Adequately Analyze and Mitigate the Project's Energy Impacts

The DEIR fails to adequately disclose, analyze, and mitigate the Project's impacts to energy resources. CEQA Guidelines, Appendix F lays out the following directives for proper discussion of a proposed project's energy impacts in an EIR:

> The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:
> (1) decreasing overall per capita energy consumption,
> (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and
> (3) increasing reliance on renewable energy sources.[199]

EJC-47

The analysis required under CEQA thus provides the opportunity for project proponents to evaluate the energy consequences of their decisions. Contrary to these provisions, however, the DEIR makes no effort to ensure the efficient use of energy, decrease reliance on fossil fuels, or increase reliance on renewable energy sources despite the significant air quality, greenhouse gas, and public health problems in the region, rendering it devoid of substantial evidence to support its energy conclusions.

1. The DEIR improperly assesses energy impacts from both Project operations and construction

As discussed throughout these comments, the Port's decision to improperly limit the DEIR to construction impacts while ignoring potential impacts to Port operations from the Project taints the rest of its analysis, including for energy conservation. Indeed, the PSE Report confirms that the Project is "expected to result in higher overall energy demand," an issue the Port did not disclose or analyze in its review.[200]

CEQA requires the DEIR to address "the project's energy use for all project phases and components, including transportation-related energy, during construction *and operation*."[201] Yet the DEIR almost entirely ignores potential landside impacts at the Port due to increased visits from ULCVs, failing to disclose and consider how the additional cargo handling equipment, trucks, and rail use needed during these visits could lead to additional energy use.[202] Moreover, the DEIR outright refuses to address energy consumption needed at berth for shore power during ULCV visits, likely one of the most resource-intensive aspects of these ship visits. Even if the Port assumes cargo volumes will stay the same – which is a faulty assumption – the failure to disclose or consider any operations impacts means the Port does not examine how the additional time and strain put on yard and cargo handling capabilities to unload larger volumes of cargo

EJC-48

[199] CEQA Guidelines, Appendix F, § 2, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2016_CEQA_Statutes_and_Guidelines_Appendix_F.pdf.
[200] PSE Report at 6.
[201] CEQA Guidelines, § 15126.2(b) (emphasis added).
[202] DEIR at 3.6-13 (". . . there would be negligible changes in energy use associated with landside operations as a result of the Proposed Project.").

from these ships could lead to greater times at berth. Because it skipped this foundational analysis, the DEIR improperly dismisses electricity consumption at berth as "not estimated because total hours at berth for the Proposed Project and No Project future baseline scenarios were not available."[203] Overall, this flaw in the analysis renders the entire energy impact analysis lacking in substantial evidence to support it.

EJC-48

A cursory look at energy impacts only during certain construction activities paints an incomplete picture of the Project and fails to comply with the review required by CEQA. The Port's failure to disclose and consider operations impacts also excludes the necessary analysis of estimated energy consumption due to growth induced by the Project.[204] Although the Port asserts that expansion of the Turning Basins will not increase cargo throughput, it fails to consider this Project in context alongside the Port's current efforts to expand its capacity. Indeed, as discussed in Section II, the Port is actively working to enact the very landside expansions that could enable greater growth and an increase in cargo throughput by securing massive infrastructure grants for terminal expansion. Because the Port is pursuing precisely the type of growth that would complement an expansion of the Basins and an increase in ULCV visits, the DEIR must address energy impacts associated with anticipated growth.

EJC-49

Even assuming the DEIR's exclusion of energy impacts associated with operations changes at the Port is proper – which it is not – the limited analysis of construction impacts is also inadequate. Yet again the DEIR's faulty decision to limit its review to a 1-mile radius means the Port does not disclose or analyze the potentially significant energy impacts of the Project outside that area.

EJC-50

The deficiencies in the DEIR extend to the flawed modeling and assumptions about energy impacts in the Air Quality, Energy, and Greenhouse Gas Analysis Technical Report in Appendix B. The failure to disclose and consider operations impacts from the Project, particularly due to increased use of cargo handling equipment, trucks, and rail during ULCV visits, infects the analysis of energy impacts here too and renders it inadequate. The PSE Report discusses the flaws in Appendix B's calculations and why it does not support the conclusion of less-than-significant impact.

Importantly, the DEIR's discussion of energy impacts appears to make no real effort to decrease reliance on fossil fuels and increase reliance on renewable energy. This is the exact opposite of what CEQA requires as the key basis of this analysis: ". . . when the EIR analyzes the project's energy use to determine if it creates significant effects, it should discuss whether any renewable energy features could be incorporated into the project. (Guidelines, § 15126.2, subdivision (b).) The EIR's determination of whether the potential impact is significant is to be based on this discussion."[205] Instead, the Port estimates basic fuel and electricity use during construction, dismisses gasoline and diesel fuel consumption because California is a major crude oil producer, and summarily notes that the Project will comply with existing energy standards in

EJC-51

[203] DEIR at 3.6-14.
[204] CEQA Guidelines, Appendix F, § 2(I).
[205] *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 167.

line with current CARB fleet and equipment requirements.[206] The Port misses the entire purpose of an energy analysis, which is to identify and implement methods to *conserve* energy. EJC-51

2. The DEIR fails to mitigate energy impacts

In addition, while the DEIR concedes the Project's energy impacts are potentially significant, it sets forth inadequate and ineffective mitigation measures that disregard CEQA requirements. Because the DEIR's impacts analysis does not comply with CEQA, the proposed mitigation measures for energy use are also inadequate. Under CEQA, a DEIR is "fatally defective" when it fails to "include a detailed statement setting forth the mitigation measures proposed to reduce wasteful, inefficient, and unnecessary consumption of energy."[207] The Port's failure to disclose most operations impacts means it fails to propose any mitigation for additional energy resources needed due to increased use of equipment, trucks, or shore power during ULCV visits. In fact, the sole mitigation measure proposes to switch to diesel dredging during peak electricity demand events despite the DEIR's acknowledgement of potentially significant energy impacts. Contrary to CEQA, the DEIR thus exacerbates reliance on fossil fuels and further detracts from the goal of using more renewable energy, making it deficient under CEQA. EJC-52

3. The DEIR fails to address conflicts with applicable state and local plans

Finally, the DEIR does not properly assess conflicts with state and local plans related to renewable energy and energy efficiency. Although the Port references California's Sustainable Freight Action Plan, its generic claims that the Project may improve vessel transit and aims to use zero-emissions equipment and renewable energy is insufficient. To the contrary, the Port does not require use of zero-emissions vehicles and equipment or make the effort to meaningfully incorporate them in the Project, despite the Sustainable Freight Action Plan's goals to deploy over 100,000 zero-emissions freight vehicles and equipment by 2030. And the DEIR completely ignores Oakland's Equitable Climate Action Plan, which is focused on enhancing energy resilience, reducing emissions from electricity and Port vehicles and equipment, and phasing out fossil fuel dependence. The Port's failure to disclose and meaningfully address either important plan is glaring and violates CEQA. EJC-53

G. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Biological Resources

Throughout the DEIR, the Port repeatedly downplays the Project's impacts on regional wildlife by arguing that species such as Longfin smelt, various salmonids, green sturgeon, and marine mammals are not expected to be in the Project area.[208] While the Port may be correct that the already-dredged area within the Turning Basins is likely not a thriving aquatic habitat, it is not the case that the waters immediately adjacent to the Basins are similarly unproductive. Aquatic and avian species breed, spawn, rear, migrate, feed, and shelter in the waters around the EJC-54

[206] DEIR at 3.6-15 to 3.6-16.
[207] *See California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 208.
[208] *See, e.g.*, DEIR at 3.4-23 to 3.4-26.

Port and throughout the San Francisco Bay—waters through which ULCVs will need to travel prior to docking at the Port.

Instead of properly analyzing impacts on regional wildlife, the Port minimizes the Project's dredging impacts, disregards sensitive time periods for local species, and entirely ignores operational impacts such as ship strikes, noise, and oil spills. EJC-54

1. The DEIR fails to analyze impacts of dredging on regional wildlife

The Port does not adequately analyze regional impacts on wildlife and water quality from dredging. The DEIR describes removal and placement of more than 2.3 million cubic yards of dredged sediment while widening the Turning Basins and deepening subtidal waters under its preferred alternative.[209] The Port acknowledges that dredging resuspends sediment and associated organic material, including any contamination within the sediments.[210] This can lead to temporary increases in turbidity and nutrients, reductions in dissolved oxygen, and/or changes in temperature and pH.[211] These water quality impacts can harm fish, benthic animals, and marine mammals foraging in the waters immediately adjacent to the Turning Basins construction site.

However, the Port's conclusion that dredging will not have a significant impact on biological resources is erroneously premised on the lack of fish and other marine animals in the immediate site where the Basins are located.[212] Even if the already dredged area within the Turning Basins is likely not a thriving aquatic habitat, that would not constitute evidence that the waters immediately adjacent to the Basins are similarly devoid of aquatic species. Indeed, green sturgeon and longfin smelt have critical habitat in the San Francisco Bay, and in-water construction is a key threat to these species.[213] The Port even identifies longfin smelt and green sturgeon, along with various salmonids, as among the fish species in the region. EJC-55

Dredging can cause fish species to suffer gill damage, body abrasion, reduced reproductive success, reduced visibility, decreased predator avoidance, modified territoriality, altered feeding, homing behavior, and flight/avoidance response.[214] The effect of these and other stressors may lead to a host of harms, including reduced reproductive output,

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[209] DEIR at 2-37, 3.4-26.
[210] DEIR at 3.4-24.
[211] Wenger, et al., "A Critical Analysis of the Direct Effects of Dredging on Fish," 18 Fish & Fisheries 967 (Sept. 2017), https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12218; *see also* Kjelland, et al., "A review of the potential effects of suspended sediment on fishes: potential dredging-related physiological, behavioral, and transgenerational implications," 35 Enviro. Systems & Decisions 334 (2015), https://link.springer.com/article/10.1007/s10669-015-9557-2.
[212] DEIR at 3.4-23 to 3.4-26.
[213] 74 Fed. Reg. 52,299 (Oct. 9, 2009), "Critical Habitat Designation for Southern Distinct Population Segment of North American Green Sturgeon"; 87 Fed. Reg. 60,957 (Oct. 7, 2022), "Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt"; Wenger, et al., *supra*, https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12218.
[214] Wenger, et al., *supra*; *see also* Kjelland, et al., *supra*.

immunosuppression, and increased mortality.[215] By failing to look beyond the immediate Turning Basins construction area, the Port inappropriately minimizes the significance of harms to wildlife and fisheries associated with dredging. A symptom of a poorly defined project description, as discussed in Section I, the Port here fails to disclose or analyze reasonably foreseeable impacts on wildlife in and around the area because of the inappropriately narrow geographical scope of the DEIR's analysis.

Additionally, three types of marine mammals—the Pacific harbor seal, California sea lion, and harbor porpoise—are known to exist in the vicinity of the Turning Basins, and these species, too, may suffer adverse impacts from dredging.[216] Again, the Port vaguely mentions impacts to marine species, but dismisses the analysis by focusing on the lack of mammals in the Turning Basins themselves. This myopic analysis fails to consider the true ramifications of the Project. Much like with fish species, increased turbidity and dredging activity can disturb marine mammal foraging activities. Marine mammals may also be impacted by the noise of dredging, and those impacts may manifest as changes in feeding, breeding, and predator-avoidance behaviors, flight/avoidance behaviors, and changes in dive times, migration routes, and swimming speeds.[217] The Port must conduct a more searching analysis of potential dredging-related impacts on marine mammals, both for purposes of CEQA compliance and also to ensure compliance with the federal Marine Mammal Protection Act.

EJC-55

2. The DEIR fails to analyze impacts from ship strikes

The DEIR does not analyze the threat that shipping traffic associated with this navigation channel poses to marine mammals, again because of the DEIR's inappropriately narrow geographical scope of analysis. Ship strikes serve as a primary cause of mortality for large whales worldwide.[218] Large vessels (*i.e.*, those 2: 80 meters) are responsible for most of the collisions leading to whale death or severe injury.[219] For imperiled populations, "death from vessel collisions may be a significant impediment to population growth and recovery."[220] San Francisco Bay is increasingly a hotspot for whale strandings, many from ship strikes.[221] Just this past May, a gray whale was killed by a combination of malnutrition and trauma caused by a collision with a maritime vessel in the San Francisco Bay.[222] The number of blue whales killed

EJC-56

[215] Kjelland, et al., *supra*.
[216] Todd, et al., "A review of impact of marine dredging on marine mammals" ICES Journal of Marine Science (2015), https://academic.oup.com/icesjms/article/72/2/328/676320.
[217] *Id.*
[218] Rockwood, et al., "High Mortality of Blue, Humpback and Fin Whales from Modeling of Vessel Collisions on the U.S. West Coast Suggests Population Impacts and Insufficient Protection," *PLoS ONE* 12(8): e0183052 (2017); Jensen, et al., "Spatial and Temporal Variability in Shipping Traffic Off San Francisco, California," 43 Coastal Mgmt. 575 (2015).
[219] Jensen, et al. (2015), *supra*.
[220] Rockwood, et al. (2017), *supra*.
[221] Nat'l Park Serv., "Spike in Gray Whale Deaths Triggers Investigations" (June 2019), https://www.nps.gov/articles/spike-in-gray-whale-deaths-triggers-investigations.htm.
[222] Russell, "Vessel Strike, Malnutrition Likely Killed Whale That Spent 75 Days in SF Bay," NBC Bay Area (May 11, 2023), https://www.nbcbayarea.com/news/local/vessel-strike-malnutrition-whale-75-days-sf-bay/3227441/.

by ship collisions in the San Francisco Bay area alone exceeds the amount that federal scientists have determined is sustainable for the entire population.[223] The ULCVs facilitated by this Project will be more deadly.

The Port inappropriately obfuscates the ship strike issue by defining the Project area too narrowly. The Port suggests that whales, much like other marine mammals, would not be impacted by the Project because they "uncommonly occur in the central portion of the San Francisco Bay estuary."[224] But the Port does not offer substantial evidence to support this conclusion, which is simply not true. Indeed, a recent Whale Safe study reported 544 sightings of blue, fin, and humpback whales in the San Francisco Bay Area from September to December 2022.[225] Additionally, the Marine Mammal Center's ongoing field observations conclude that gray whales are feeding while inside the San Francisco Bay.[226]

EJC-56

Under the Port's Preferred Alternative, waters adjacent to and surrounding the Turning Basins would host not just whale populations but also an increased number of ULCVs, leading to potentially devastating consequences.[227] Yet the DEIR ignores the impacts the Project could have, and fails to analyze potential increases in ship strikes on marine mammals, whales specifically, despite the overwhelming literature that indicates the importance and necessity of such an analysis.[228] This is emblematic of the Port's inappropriate decision to focus its analysis of the Project's impacts on a constrained 1-mile radius from the Project site, which results in a failed disclosure of reasonably foreseeable impacts.

3. The DEIR fails to analyze operational noise impacts

The DEIR fails to analyze the reasonably foreseeable operational noise impacts on local wildlife species. Specifically, and emblematic of the Port's flawed project description, the Port does not analyze noise impacts from the increased number of ULCVs that will visit the Port because of the Project. This is an egregious omission, given the effects that shipping noise has on aquatic species. A cargo vessel emits around 190 decibels of noise – which is louder than a jet engine at take-off.[229] Noise generated by commercial shipping reduces marine mammals' ability to communicate, locate prey, and navigate within their habitat, and induces behavioral

EJC-57

[223] Dorman, et al., "2021-22 Greater Farallones & Cordell Bank National Marine Sanctuaries Advisory Councils Joint Ship Strike Working Group: Final Report," https://nmscordellbank.blob.core.windows.net/cordellbank-prod/media/docs/2021-22-joint-ship-strike-working-group-report.pdf.
[224] DEIR at 3.4-9.
[225] Whale Safe, "2022 Year in Review: A Look Back at Whales & Ships in the Santa Barbara Channel and San Francisco Region," https://whalesafe.com/2022-year-in-review-a-look-back-at-whales-ships-in-the-santa-barbara-channel-san-francisco-region/.
[226] Russell, *supra.*
[227] Dorman, *supra.*
[228] Halvorsen, et al., "Effects of exposure to pile-driving sounds on the lake sturgeon, Nile tilapia and hogchoker," 279 Proc. Biol. Sci. 4705 (2012).
[229] Nelson, "Why All the Concern About Underwater Ship Noise?" (February 3, 2023), https://www.nrdc.org/bio/regan-nelson/why-all-concern-about-underwater-ship-noise.

changes.[230] A review of 42 studies on the effect of noise on fish suggested that the majority of fishes are sensitive to noise, including alarming impacts on foraging, predation risk, and reproductive success.[231] The Port omits disclosure of these impacts and fails to consider the noise impacts that would result from a proportionately higher number of ULCVs. The DEIR does not even disclose whether ULCVs themselves will have larger noise impacts when compared to smaller vessels.

Ships that approach and use the Turning Basins will produce noise during their approach and while executing turns within the Basins, with assistance from tugboats. The presence of larger ships will increase the levels of low-frequency noise, particularly close to major shipping lanes and ports.[232] In fact, evidence indicates that larger vessels introduce significantly more noise into the marine environment, particularly if they have larger positioning thrusters and propulsion units.[233] As a 2018 report noted, "[l]arger vessels (exceeding 100m) typically produce louder, lower-frequency sounds than smaller boats..... "[234]

EJC-57

Failing to adequately analyze shipping noise in the Turning Basins—produced by larger ships in conjunction with tugboats—downplays impacts on regional wildlife, including but not limited to marine mammals, local fish, and terrestrial wildlife like avian species. Such an omission results in a DEIR that fails as an informational document, as required by CEQA, and does not adequately disclose foreseeable project impacts.[235] We urge the Port to consider the noise impacts that emanate from the fact that the largest vessels (which potentially make more noise) will call on the Port more frequently.

Moreover, the construction noise impacts on biological resources that were analyzed are not sufficiently mitigated. While we acknowledge and appreciate the Port's inclusion of an underwater noise assessment for in-water pile-driving and its potential impacts on wildlife,[236] the Port relies on an unsupported assumption that fish will disperse to avoid physical injury from

EJC-58

[230] Erbe, "The Effects of Ship Noise on Marine Mammals—A Review," 11 Front. Mar. Sci. 6 (2019).
[231] Cox, et al., "Sound the alarm: A meta-analysis on the effect of aquatic noise on fish behavior and physiology," 24 Global Change Biology 3105 (2018); Duarte, et al., "The soundscape of the Anthropocene ocean," 371 Science 6529 (2021) (81 percent and 82 percent of relevant studies have found significant impacts of noise on invertebrates and fish).
[232] Port of Vancouver, "2021 Haro Strait and Boundary Pass voluntary vessel slowdown" (n.d.), https://www.portvancouver.com/environmental-protection-at-the-port-of-vancouver/maintaining-healthy-ecosystems-throughout-our-jurisdiction/echo-program/projects/haro-slowdown/; Putland, et al., "Vessel noise cuts down communication space for vocalizing fish and marine mammals," 24 Global Change Biology 1708 (2018); Liu, et al., "Broadband ship noise and its potential impacts on Indo-Pacific humpback dolphins: Implications for conservation and management," 142 J. Acoustical Society of America 2766 (2017).
[233] *See* Kaplan & Solomon, "A coming boom in commercial shipping? The potential for rapid growth of noise from commercial ships by 2030," 73 Marine Policy 119 (2016).
[234] Southall, et al., "Reducing Noise from Large Commercial Ships," Proceedings 58 (2018).
[235] *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123; *City of Hayward v. Board of Trustees of Cal. State Univ.* (2015) 242 Cal.App.4th 833, 859; CEQA Guidelines, §§ 15126.2(a), 15064(d).
[236] DEIR at 3.4-28, 3.4-33, 3.4-35.

pile-driving and its sound impacts.[237] This invalidates the Port's noise mitigation. Indeed, even very few pile-driving strikes can result in ruptured swim bladders and injuries for fish, including bass, salmonids, and sturgeon.[238]

EJC-58

Ultimately, we urge the Port to continue its analysis as applied to *all* Project-related noise impacts and to ensure these impacts are adequately mitigated.

4. The DEIR fails to consider greater risk of large oil spills

The DEIR does not adequately analyze the consequences of larger vessels on the likelihood and magnitude of future oil spills. The increased presence of these larger vessels—in addition to a potential increase in the size or number of accompanying tending vessels such as tugboats—may increase the risk or severity of oil spills and other discharges.[239] This would be the case even if the Port is correct that there will be fewer overall vessel visits. This is because regardless of the overall number of vessel calls, the Project will facilitate a future in which more ultra-large vessels visit the Port than they would without the Project. ULCVs pose different risks, purely because of their size, than the smaller ships that visit the Port more regularly.

For example, ULCVs have larger fuel bunkers than smaller ships. It thus stands to reason that larger oil spills of bunker fuel could result from those ships that will be able to visit the Port with greater frequency as a result of this Project. However, the Port does not analyze the possibility of an increase in the risk of oil spills, or the severity and magnitude of such spills, in its DEIR, instead constraining its analysis merely to construction impacts. Even the DEIR's analysis of construction-related discharges from vessels is vague and inadequate. The Port dismisses potential concerns by vaguely stating that all "vessels would be operated in compliance with applicable regulations related to the prevention of water pollution by fuel, harmful substances, and garbage as well as from accidental discharges" in order to support its conclusion that impacts from accidental discharges would be "less than significant."[240]

EJC-59

But merely requiring compliance with agency regulations does not conclusively indicate that the Project would not have a significant and adverse impact. Those legal requirements may not be strong enough to protect against environmental impacts. In *Kings County Farm Bureau v. City of Hanford*, for example, the court found that the fact that the EPA and the local air pollution control district had issued the necessary air emission permits for the construction of a coal fired cogeneration plan did not nullify the CEQA requirement that the lead agency analyze the significant air quality impacts of the entire project.[241] Similarly here, the DEIR cannot rely on the United States Coast Guard Vessel Response Plan requirements to conclude that impacts would not be significant based on those requirements, without at least describing what those

[237] DEIR at 3.4-39 (MM BIO 1C provides that impact driver will employ a "'soft start' technique to give fish an opportunity to move out of the area before full-powered impact driving begins.").
[238] Halvorsen, et al., "Effects of exposure to pile-driving sounds on the lake sturgeon, Nile tilapia and hogchoker," 279 Proc. Biol. Sci. 4705 (2012).
[239] *See, e.g.*, June 2023 Coalition Comment Letter to Army Corps, Exh. C at 34–35.
[240] DEIR at 3.4-22.
[241] *Kings County Farm Bureau, supra,* 221 Cal.App.3d at 716.

requirements are and how they would reduce the Project's accidental discharge impacts to less than significant.

An increased number of ULCVs coupled with their accompanying tending tugboats could increase the risks of oil spills despite any potential navigational efficiencies gained by widening the Turning Basins. The spills from these ships are potentially even more disastrous than those from smaller vessels because of larger bunker fuel storage capacity. The Port must analyze the severity and magnitude of such spills. Relying on compliance with relevant regulations is insufficient under CEQA. EJC-59

5. The DEIR's work windows are insufficient mitigation

Finally, the Port's reliance on "work windows" as a dredging mitigation measure to avoid species harm from pile driving is misplaced and inadequate. Throughout the DEIR, the Port notes that most dredging will be conducted during a proposed window from June 1 through November 30 when certain fish species, such as salmonids and herring, are less likely to be present.[242] However, the Port does not clearly state whether these work windows are mandatory or merely recommended, or in what instances it might elect to work outside the designated work windows. Indeed, throughout the DEIR the Port caveats that maintenance dredging and other construction activity might occur outside of the defined work window.[243]

The Port also fails to explain how or whether its proposed dredging activities will be modified if such species are present when the work windows open. For example, out-migrating Chinook salmon and green sturgeon may be affected by dredging activities that fall outside the proposed work window.[244] The Port asserts that the Army Corps will consult with natural resource agencies such as the National Marine Fisheries Service ("NMFS") or the United States Fish and Wildlife Service ("USFWS") as appropriate to extend work windows when the Corps believes that species are not present, but the Port says nothing about how the Corps or the Port will alter activity should species *still be present* during a proposed work window.[245] The Port fails to adequately support its conclusion that there will be no significant impacts on local species caused by the proposed dredging or in-water construction activities. EJC-60

Furthermore, the DEIR contains inconsistencies regarding how it selected the proper work windows for the Project. Specifically, the DEIR notes that the preferred work window for the California least tern (listed as endangered by both state and federal governments) would run from August 1 through March 15 of each year,[246] but that time frame does not align with the proposed work windows described above (June 1 through November 30). The DEIR acknowledges that "in-water construction is proposed to occur partially outside of [the work window most suitable for California least terns]."[247] These proposed work windows are going to pose potential resource conflicts, light exposure, and disorientation for the California least tern.

[242] DEIR at 2-28, 3.4-21.
[243] *Id.* at 3.4-21.
[244] *See, e.g.*, Revised Draft EA, "App'x A-1: Draft Biological Assessment" at 25, 27, 30–31.
[245] DEIR at 3.4-21, 3.4-31.
[246] *Id.* at 3.4-32.
[247] *Id.* at 3.4-32.

Yet the DEIR does not address how the Port intends to mitigate such exposure to the largest population of least terns in Northern California.[248] The Port punts the issue, stating that the Army Corps will coordinate with USFWS on impacts.[249] But coordinating with other agencies on impacts to the least tern does not satisfy CEQA requirements of disclosing all foreseeable impacts and adequately mitigating those impacts.[250] Indeed, the Port "may not defer formulation of mitigation measures to a future time."[251] Yet it has done so here, rendering the DEIR unlawful under CEQA.

EJC-60

6. The DEIR fails to adequately address cumulative impacts to biological resources

For all the reasons identified above, the Port cannot offer these work windows to support its conclusion that cumulative impacts to biological resources will be less than significant. The DEIR does not contain substantial evidence to support this conclusion, and the DEIR even admits that the identified work windows will not protect the least tern.[252] Also, as already discussed, because these mitigation measures are not clearly mandatory, they lack the enforceability required by CEQA and are thus inadequate and unlawful.[253] The Port thus erroneously relies on these unsupported windows to make its unfounded conclusion regarding the lack of cumulative impacts to biological resources.[254]

EJC-61

H. The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Water Quality

The DEIR also fails to adequately analyze the risks from resuspension of contaminants into the water column. The resuspension of contaminated sediments accompanying the proposed dredging project poses a substantial risk to marine life in the Project vicinity. Such resuspension poses a threat in particular to marine mammals, which—due to high levels of body fat—tend to bioaccumulate lipophilic contaminants.[255]

EJC-62

Benthic sediments like those underlying the greater San Francisco Bay area act as a sink for anthropogenic contaminants including heavy metals (e.g., copper, lead, cadmium and zinc), polycyclic aromatic hydrocarbons ("PAHs"), phthalates, and persistent organic pollutants ("POPs") including polychlorinated biphenyls ("PCBs"), pesticides (e.g., DDT), and flame

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[248] Leu, "Endangered California Least Terns Thrive on Hayward's 'Tern Island'" (June 16, 2016), *Bay Nature*, https://baynature.org/article/a-tern-for-the-better/ ("[T]he Alameda tern colony is the biggest in northern California, and it's here that least terns were first spotted in the Bay Area, in the 1970s.").
[249] DEIR at 3.4-32.
[250] *El Dorado Union High Sch. Dist., supra*, 144 Cal.App.3d at123; *City of Hayward, supra*, 242 Cal.App.4th at 859; CEQA Guidelines, §§ 15126.2(a), 15064(d).
[251] *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280; *see also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 519–20.
[252] DEIR at 3.4-32.
[253] *See, e.g., Sierra Club, supra*, 231 Cal.App.4th at 1168 (finding that an agency must have specific evidentiary support for a conclusion that mitigation will be effective and enforceable).
[254] DEIR at 4-13.
[255] *Cf.* Ross, et al., "High PCB Concentrations in Free-Ranging Pacific Killer Whales, Orcinus orca: Effects of Age, Sex, and Dietary Preference," 40 Marine Pollution Bull 504 (2000).

retardants ("PBDEs").[256] Dredging resuspends seafloor sediments, remobilizing a fraction of the contaminants and making them bioavailable to aquatic life.[257] This bioavailability and uptake can have devastating ecological consequences. For example, remobilized metals like copper and zinc pose a threat to salmon at very low concentrations. Many POPs, including PCBs, bioaccumulate in the fatty tissues of animals and biomagnify up the food chain.[258]

Studies of pinnipeds—like the California sea lions and harbor seals that are known to visit the Turning Basins area—have demonstrated that elevated POP concentrations lead to reproductive impairment, endocrine disruption, immunotoxicity, neurotoxicity, and skeletal abnormalities.[259] And a growing body of evidence on cetaceans suggests that organochlorine chemicals put certain cetacean species at risk for similar toxic responses.[260] Indeed, scientists studying other cetacean populations have found an association between high PCB concentrations in females and low recruitment, which in turn leads to declining abundance.[261] The Port did not consider whether such concerns may also apply to the myriad species that frequent the San Francisco Bay. Indeed, the Port does not discuss these impacts at all in either its water quality or biological resource analysis.

EJC-62

The Port also must consider how climate change may increase exposure to and bioaccumulation/biomagnification of certain contaminants in marine organisms including the Chinook salmon. These increases in exposure or bioconcentration may occur (1) as climate change increases contaminant exposure or sensitivity, and/or (2) when contamination leads to an increase in susceptibility to other climate change effects.[262] Alava et al. (2018) estimate climate-induced contaminant amplification in Chinook salmon to be on the order of 10 percent. The Port must consider how the proposed dredging and any associated contaminant resuspension would interplay with climate change effects and potentially harm resident fish and wildlife species.

EJC-63

Despite the threat posed by contaminant resuspension, the Port downplays the risk of these contaminants in the DEIR, making general assumptions that "most" of the material to be dredged is "not expected to contain elevated contaminant levels."[263] Such a conclusion is at odds

EJC-64

[256] Knott, et al., "Contemporary Ecological Threats from Historical Pollution Sources: Impacts of Large-Scale Resuspension of Contaminated Sediments on Sessile Invertebrate Recruitment," 46 J. Applied Ecology 770 (2009).
[257] Knott, et al. (2009), *supra*; Victor, et al., "Environmental Effect of Dredging and Geochemical Fractionation of Heavy Metals in Sediments Removed from River," 6 Modern Chem. 44 (2018).
[258] Ross, et al. (2000), *supra*; Hall, et al., "Predicting the Effects of Polychlorinated Biphenyls on Cetacean Populations Through Impacts on Immunity and Calf Survival," 233 Envtl. Pollution 407 (2018).
[259] Ross, et al. (2000), *supra*; Krahn, et al., "Effects of Age, Sex and Reproductive Status on Persistent Organic Pollutant Concentrations in 'Southern Resident' Killer Whales," 58 Marine Pollution Bull. 1522 (2009); Lundin, et al., "Persistent Organic Pollutant Determination in Killer Whale Scat Samples: Optimization of a Gas Chromatography/Mass Spectrometry Method and Application to Field Samples," 70 Archives Envtl. Contamination & Toxicology 9 (2016).
[260] Ross, et al. (2000), *supra.*
[261] Hall, et al. (2018), *supra*.
[262] Alava, et al., "Projected Amplification of Food Web Bioaccumulation of MeHg and PCBs Under Climate Change in the Northeastern Pacific," 8 Nature Scientific Reports, Art. No. 13460 (2018), https://www.nature.com/articles/s41598-018-31824-5.
[263] DEIR at 3.10-21.

with the fact that contamination is already known to exist at various sites within the scope of the proposed Project.[264] The Port should commit to conducting water quality sampling prior to approving this Project, and present the data to the public so that dredging impacts, including contaminant impacts, can be properly analyzed. Failure to do so here violates CEQA by failing to analyze and disclose reasonably foreseeable impacts that will likely occur as a result of the Project.[265] Without an adequate analysis of the water quality impacts of dredging, it is impossible for the Port to adequately describe the necessary mitigation measures as required by CEQA.[266]

EJC-64

I. The DEIR Fails to Adequately Analyze and Mitigate the Project's Hazards and Hazardous Materials Impacts

The DEIR's analysis of the Project's hazards and hazardous materials impacts contains deficiencies that must be remedied. The Port does not identify where sediment will go and offers information that conflicts with the Army Corps' assessment of impacts. Further, the DEIR summarily fails to disclose foreseeable impacts from transporting hazardous, contaminated dredged materials from one environmental justice community, West Oakland, to another, Kettleman Hills.

EJC-65

1. The DEIR inadequately describes the Project's existing hazardous materials setting

As discussed throughout these comments, when analyzing a Project's adverse environmental impacts under CEQA, "[t]he significance of an activity depends on the setting."[267] The DEIR here must demonstrate not only that the Project's environmental impacts were adequately investigated but that these impacts were "considered *in the full environmental context.*"[268]

Here, the DEIR must acknowledge the San Francisco Bay's environmental context, which has been heavily influenced by industry and ongoing environmental challenges, including the prevalence of toxic sites, drastic sea level and groundwater rise, vulnerable hotspots, and contamination. Failing to do so in its DEIR renders the environmental setting of its hazardous materials analysis inadequate and lacking in substantial evidence to support is subsequent conclusions throughout its hazards and hazardous materials impact analysis.

EJC-66

There are major toxic sites around the Oakland Harbor area which includes shipyards, oil refineries, and manufacturing plants. Indeed, there are more than 5,000 open and closed

[264] *See, infra,* Section IV
[265] *El Dorado Union High Sch. Dist., supra,* 144 Cal.App.3d at 123; *City of Hayward, supra,* 242 Cal.App.4th at 859; CEQA Guidelines, §§ 15126.2(a), 15064(d).
[266] *San Franciscans for Responsible Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (mitigation measures must be detailed and specific).
[267] *Kings County Farm Bureau, supra,* 221 Cal.App.3d at 718; *see also* CEQA Guidelines, § 15125.
[268] CEQA Guidelines, § 15125(c) (emphasis added).

contaminated sites in the Bay Area, some of which have already started leaking into the Bay.[269] Groundwater and sea level rise exacerbate the risks linked with toxic sites, especially in the context of severe risks to human health and ecological disaster. Some of the contaminants in these toxic sites include materials known to cause cancer and lead to slow death, including the presence of radioactive substances, petroleum tanks that are located underground, and chemicals that leech through as vapors and infiltrate homes, business, and other surrounding infrastructure.[270]

This is all information the DEIR should have included when discussing the environmental setting of hazards and hazardous materials in and around the Port. Instead, the Port offers an incomplete assessment of the Bay's surrounding hazardous waste history. The Port even acknowledges that the information it can provide is incomplete, noting the "lack of site-specific information about the quality of sediment in the basin between Howard Terminal and Schnitzer/Radius Recycling."[271] This is concerning, given that the Schnitzer/Radius Recycling is a site of significant environmental concerns from recent fires and contamination challenges from the Department of Toxic Substances Control.[272] This is information that must be disclosed in order for both community members and decisionmakers to have a full understanding of the Project's foreseeable hazardous waste impacts.

EJC-66

2. The DEIR improperly analyzes impacts from handling dredged materials

The Port anticipates dredging more than 2.3 million cubic yards of sediment for this Project—but fails to offer concrete information about where the majority of these sediments will go. In fact, the Port's analysis conflicts with the sediment information offered by the Army Corps in its NEPA environmental review of the Project. Table 2.5-3 of the DEIR shows that the Port expects to dredge over 1 million cubic yards of material that will not be acceptable for direct contact with water, while claiming that 454,400 cubic yards of material *will be* suitable for beneficial reuse as cover material.[273] Confusingly, the Army Corps concluded in its analysis that only about 157,000 cubic yards of material, about 7 percent of the total amount of dredged material, is suitable for cover material at a beneficial reuse site via aquatic disposal.[274] This

EJC-67

[269] MAP: More Than 5,000 Toxic Sites Along SF Bay Threatened by Rising Groundwater, New Study Finds, KQED (2023), https://www.kqed.org/science/1983106/map-more-than-5000-toxic-sites-along-sf-bay-are-threatened-by-rising-groundwater-new-study-finds (last visited Nov 17, 2023).
[270] Manke, Rising groundwater threatens thousands of toxic sites in the Bay Area, Berkeley (2022), https://news.berkeley.edu/2023/06/20/rising-groundwater-threatens-thousands-of-toxic-sites-in-the-bay-area (accessed Nov 17, 2023).
[271] DEIR at 3.9-9.
[272] Rob Bonta, "California Attorney General, Cease and Desist Letter, People of the State of California v. Schnitzer Steel Industries, Inc. Alameda County Superior Court," Case No. RG21087468, (2023), https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F4739811539%2FPeople%27s%20Letter%20to%20Schnitzer%20re%20Oakland%20facility%20(7-31-23).pdf; Dave Detling, *Air Quality in Question after Massive Fire at Schnitzer Steel near Port of Oakland*, KTVU FOX 2 (2023), https://www.ktvu.com/news/air-quality-in-question-after-massive-fire-at-schnitzer-steel-near-port-of-oakland (last visited Nov 27, 2023).
[273] DEIR at 2-37.
[274] Revised Draft EA at 145.

conflict is emblematic of the issues resulting from the Port and Army Corps' uncoordinated analysis of this Project, further discussed in Section VII below. It also leaves the public and decisionmakers in the dark about basic information pertaining to this Project and makes it impossible to accurately comment on potential impacts from hazardous materials.

The Port has an obligation to provide meaningful information to facilitate public review, or to provide clarification about why more definitive information could not be provided. It has not met this burden. The Port offers noncommittally that it might send the dredged sediments to the Montezuma Restoration site,[275] but fails to explain anywhere in the DEIR why it has not already confirmed that proposed placement location, or why it cannot do so at this time. The impacts of transporting, storing, and treating dredged wastes (both hazardous and non-hazardous) are reasonably foreseeable impacts of this Project, and are thus required by CEQA to be disclosed, analyzed, and mitigated to the extent feasible in order to lessen or avoid impacts. The Port fails to disclose these impacts, even at a basic level. EJC-67

We also have concerns about the Port's stated intention to relocate more than 10,000 cubic yards of hazardous wastes to Kettleman Hills landfill.[276] The communities adjacent to that landfill are predominantly Latino and disproportionately burdened by pollution.[277] They have previously opposed state and federal permits that enabled the landfill to expand.[278] We express deep reservations about the plan to export wastes from one environmental justice community to another. Again, transportation and storage of dredged waste (either hazardous or non-hazardous) have reasonably foreseeable environmental impacts. If the Port intends to move dredged material to Kettleman Hills, it must disclose this information and conduct the necessary analysis of environmental and public health impacts to communities adjacent to the landfill, as required by CEQA.[279] Moreover, we urge the Port to identify and analyze alternatives that would enable the waste to be appropriately treated and managed without burdening another environmental justice community. EJC-68

The DEIR also did not analyze or describe to any degree how the Port plans to safely transport hazardous wastes to ensure they are not released in transit, either by leakage or fugitive dust, should the wastes be transported in open containers. All the Port mentions is that it will EJC-69

[275] DEIR at 2-38 (". . . the assumed beneficial reuse site is the Montezuma Wetlands Restoration Project in Solano County.").
[276] *Id.* at 2-37 (Table 2.5-4), 3.9-4 to 3.9-5.
[277] Bedoian, "Kettleman Hills Toxic Waste Landfill Permitted to Expand," Fresno Community Alliance (Aug. 1, 2013), https://fresnoalliance.com/kettleman-hills-toxic-waste-landfill-permitted-to-expand/.
[278] Greenaction for Health & Environmental Justice, "Kettleman City, Buttonwillow, and Out-of-State Solid Waste Landfills: Racial Discrimination, Expired Permits, Civil Rights Violations, & Regulatory Malpractice by the Department of Toxic Substances Control in California's Failed Hazardous Waste Program," (n.d.), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2023/03/FINAL-Greenaction-and-El-Pueblo-Presentation-for-DTSC-Oversight-Board-ADA.pdf?emrc=b2cb74.
[279] *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 521 (CEQA requires that an EIR make "a reasonable effort to discuss relevant specifics regarding the connection between . . . the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce.").

comply with relevant regulations.[280] The Port cannot rely on future compliance with agency regulations in order to conclude that the Project would not have a significant and adverse impact from its handling of hazardous materials.[281] The Port's omission of these impacts represents yet another source of reasonably foreseeable potential impacts that went unstudied and undisclosed in the DEIR.

EJC-69

Additionally, we are troubled that the Port did not perform any sediment analysis before issuing the DEIR, and intends to defer this analysis until after Project approval. Instead, the Port supports its assumptions by relying throughout the document on sampling conducted in the Turning Basins and adjacent Howard Terminal decades ago.[282] By failing to provide data about the actual composition of the sediments to be dredged, the Port leaves decisionmakers and the public in the dark about the foreseeable impacts and any feasible mitigation measures for these impacts. Indeed, deferring the analysis and disclosure of this information until after the Project approval is inconsistent with CEQA mandates that require the disclosure of this information *beforehand* to ensure the public and decisionmakers are properly apprised of all critical information.[283]

EJC-70

The DEIR also fails to adequately analyze and disclose impacts from maintenance dredging. The proposed project will greatly increase annual maintenance dredging volumes, and the DEIR states total volumes fall within estimates analyzed in the 2015 EA/EIR dredging program through 2024.[284] However, the project design year begins in 2030. The DEIR further states that a new multi-year EA/EIR will be prepared for coverage of the Army Corps San Francisco dredging program for future years of 2025-2034;[285] therefore, operational and maintenance dredging impacts during the project timeframes of 2030 and beyond are not analyzed and disclosed in the DEIR.

EJC-71

3. The DEIR fails to mitigate hazardous materials impacts

Unsurprisingly, because the DEIR's hazards and hazardous materials impact analysis is so lacking in substantial evidence to support any of the Port's conclusions regarding the severity of impacts, the DEIR's mitigation measures are similarly deficient. Indeed, absent from the proffered mitigation measures is a commitment to any sort of scheduled sampling program of dredged materials over the anticipated course of construction to ensure water quality does not degrade over time or pose risks to local wildlife species in any location where dredged materials are to be deposited. If the Project moves forward, any dredging wastes that are found to be contaminated should be handled as hazardous waste and disposed of accordingly, with meaningful consultation to members of the affected community before embarking on such disposal.

EJC-72

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[280] DEIR at 3.9-31.
[281] *Kings County Farm Bureau, supra,* 221 Cal.App.3d at 716.
[282] DEIR at 3.9-5 (referring to review of excavated materials in 1999); 3.9-8 (testing of material at the Alameda site in the late 1990s revealed elevated levels of contaminants).
[283] *Id.* at 3.9-3 (claiming that "additional testing would be conducted during the Proposed Project pre-construction engineering and design phase").
[284] *Id.* at 3-8 to 3-9.
[285] *Id.* at 3-9.

Moreover, the Port has not adequately discussed what measures it will take to reduce fugitive dust from the dredged sediments excavated from the Turning Basins. It is reasonably foreseeable that dust from dried sediments could increase particulate matter emissions in an already overburdened region. Equally concerning is the foreseeable possibility that dredged sediments could contain toxic elements that become aerated when dredged and left out to dry on barges. Without recent sediment sampling to indicate the sediment's composition, we cannot offer more specific commentary about the Port's plans, but we are concerned about the lack of analysis of these possibilities. The Port must disclose its plans regarding handling of dredged wastes and fully analyze the reasonably foreseeable possibility of fugitive dust so that meaningful mitigation measures can be selected. EJC-73

For all of these reasons, the Port's analysis of hazards and hazardous wastes is unlawful under CEQA and must be conducted anew.

J. The DEIR Fails to Adequately Analyze and Mitigate the Project's Noise Impacts

The DEIR's noise analysis is inadequate under CEQA, as it fails to properly describe the existing conditions in the vicinity of the Turning Basins and to identify feasible mitigation for significant noise impacts.

1. The DEIR inadequately describes the existing noise setting

When analyzing a project's adverse environmental impacts under CEQA, "[t]he significance of an activity depends on the setting."[286] Thus, an accurate and full description of a project's environmental setting is crucial.[287] The DEIR fails to properly describe the existing conditions regarding noise impacts, rendering its whole noise analysis inadequate under CEQA.

In the "Environmental Setting" section of the noise analysis, the DEIR states that "[t]he monitored baseline noise conditions contained in this Draft EIR analysis reflect monitoring efforts conducted in 2019 and 2021."[288] It then states that the 2019 data was collected as part of the assessment for a proposed development at Howard terminal, and the 2021 data were collected in support of the NEPA analysis for the Project. The DEIR also mentions that the Notice of Preparation for the DEIR was issued on May 31, 2022.[289] EJC-74

The DEIR states that the 2019 data "are included because they provide the noise environment as it existed prior to the COVID-19 pandemic and its related effects on the transportation network."[290] A closer look at the DEIR's monitoring locations reveals that data for three of its seven long-term monitoring locations, and for all three short-term locations, were collected in 2021, while the data for the other four were collected in 2019. Based on this data

[286] *Kings County Farm Bureau*, *supra*, 221 Cal. App. 3d at 718; *see also* CEQA Guidelines § 15125.
[287] *See* CEQA Guidelines § 15125(a).
[288] DEIR at 3.12-1.
[289] *Id.* at 3.12-1.
[290] *Id.* at 3.12-5.

alone, the DEIR makes its determinations as to whether noise impacts of the Project would be significant.

The DEIR's existing noise setting violates CEQA. The CEQA Guidelines are clear that the setting should be described as it exists "at the time the notice of preparation is published" (or, when there's no NOP, when analysis is commenced).[291] Using a different baseline is justified only where it is "necessary to provide the most accurate picture practically possible of the project's impacts",[292] and if an agency elects to use a different baseline than the conditions existing at the time the NOP was issued, "it must justify that departure from the norm and support that justification with substantial evidence."[293]

EJC-74

The DEIR fails to justify its reliance on measurements that do not reflect the existing conditions as required under CEQA. Moreover, the DEIR itself admits that measurements conducted during the height of the COVID-19 pandemic may not properly reflect existing conditions and thus chooses to rely on 2019 conditions for some sensitive receptors.[294] To be clear, neither baseline is proper under CEQA and both require justification.

The DEIR must be revised to provide accurate baseline settings for all its monitoring locations, as required under CEQA.

2. The DEIR fails to adopt adequate mitigation

CEQA requires that a lead agency adopt all feasible mitigation measures that can substantially lessen a project's significant impacts.[295] The DEIR fails to follow this rule and must be revised.

The DEIR's noise analysis states that "[d]redging would be the only construction activity that would occur 24 hours a day, and therefore have the potential to impact receptors during the more sensitive nighttime hours," and concludes that noise from nighttime dredging is identified as a potentially significant impact. The DEIR makes this finding about both the proposed residential uses at Howard terminal in Oakland,[296] as well as for some residential areas South of Mosley Avenue and a planned multi-family residence at the Landing at Bay 37 in Alameda.[297]

EJC-75

For Alameda, the DEIR finds that available mitigation would be to erect a temporary barrier (MM NOI-1B).[298] The DEIR discusses the mitigation implementation, explains how it

[291] CEQA Guidelines, § 15125(a)(1).
[292] *Id.*
[293] *POET, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 102.
[294] DEIR at 3.12-5.
[295] Pub. Resources Code, § 21002.
[296] DEIR at 3.12-33.
[297] *Id.* at 3.12-34.
[298] *Id.* at 3.12-34.

would reduce some of the impact, and concludes that the impact on the Alameda side planned development would remain significant and unavoidable.[299]

For the proposed residential uses at Howard terminal in Oakland, the DEIR fails to discuss *any* mitigation measures. In conclusion, the DEIR finds the impacts from construction noise during nighttime and weekends as "significant and unavoidable" for both the Alameda and the Oakland sensitive receptors.[300]

The DEIR thus violates the duty established under CEQA for public agencies to avoid or minimize environmental damage where feasible,[301] and to describe in an EIR feasible measures which could minimize significant adverse impacts.[302] Where several mitigation measures are available to mitigate an impact, "each should be discussed and the basis for selecting a particular measure should be identified."[303]

EJC-75

Here, despite finding that nighttime dredging will cause significant and unavoidable impacts from noise, the DEIR fails completely to consider the mitigation measure of limiting dredging work to daytime only, despite the fact this would clearly be an effective measure that was already proposed in the NOP comments filed for the Project.[304]

The DEIR must be revised to include discussion of *all* feasible mitigation measures available to mitigate the Project's significant noise impacts.

K. The DEIR Fails to Adequately Analyze and Mitigate the Project's Aesthetic Impacts

The DEIR fails to adequately analyze and mitigate the Project's aesthetic impacts. Under CEQA, the DEIR must "[t]ake all action necessary to provide . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities."[305] Again the Port's decision to improperly limit the DEIR to construction impacts while ignoring potential impacts to Port operations from the Project taints the analysis of visual resources. By failing to disclose any discussion of how increased ULCV visits traveling through the Bay to the Port will impact the region's important visual resources, the DEIR is legally deficient.

EJC-76

In recent comments to the Army Corps regarding its NEPA review for the Project, we discussed the typical path of an ULCV visiting the Port. The ships travel under the Golden Gate Bridge, past San Francisco and Alcatraz Island, then under the Bay Bridge, before reaching

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[299] DEIR at 3.12-35.
[300] *Id.* at 3.12-35.
[301] Pub. Resources Code, §§ 21002, 21002.1(b), CEQA Guidelines, §15021(a).
[302] CEQA Guidelines, § 15126.4(a)(1).
[303] *Id.*, § 15126.4(a)(1)(B).
[304] Cal. Dep't of Justice, Office of the Attorney General, Letter to Jan Novak, Oakland Harbor Turning Basins Widening Project: Notice of Preparation of Draft Environmental Impact Report per the California Environmental Quality Act (CEQA) (CEQA State Clearinghouse No. 2022050647) July 5, 2022 (hereafter "California Attorney NOP General Comments") at 5.
[305] Pub. Resources Code, § 21001(b).

Oakland and the Port.[306] The introduction of significantly more ULCVs on this narrow route through the Bay Area – a small region containing a variety of unique landscapes and important visual resources along the route – has the potential to significantly impact visual experiences in the region. Without considering additional ULCV visits to the Bay, the Port cannot properly conclude this Project will not interfere with public views and scenic vistas. Indeed, the large influx of ULCVs to California ports during the COVID-19 pandemic and their visual impacts along the coast and to neighboring communities highlights the aesthetic reality of additional ULCV visits to the region.[307] Contrary to the DEIR's conclusions, the Project could potentially have a "substantial adverse effect on a scenic vista," "substantially damage scenic resources," and "substantially degrade the existing visual character or quality of the site and its surroundings" and it should have fully considered and mitigated those consequences.[308] Therefore, the DEIR lacks substantial evidence to support its conclusions.

EJC-76

L. The DEIR Fails to Analyze Consistency with Applicable Land Use Plans

The DEIR fails to adequately analyze the Project's consistency with several applicable land use plans. As with other impacts, this failure is compounded by the flawed project description and the lack of any operational analysis.

The "Local Regulatory Setting" section of the DEIR's land use section includes only the city of Oakland charter, the Port of Oakland building permits, and the General Plans of the City of Oakland and the City of Alameda.[309] This section is missing important plans, including the West Oakland Specific Plan, the Oakland Equitable Climate Action Plan, and the West Oakland Community Action Plan. The DEIR's "Municipal Land Use Plan Consistency" that follows is nothing more than a cursory review of the Project's consistency with the General Plans' land use classifications,[310] which concludes with a "less than significant" impact finding.[311]

EJC-77

Under CEQA, the DEIR must analyze the question: "Would the Proposed Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?" The DEIR fails to analyze this question vis-à-vis a host of land use policies and strategies in a number of relevant land use plans and it must be revised to include proper analysis.

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[306] June 2023 Coalition Comment Letter, Exh. C.
[307] *See, e.g.*, Towey, et al., "An all-time high of 56 cargo ships are stuck waiting off the California coast, as shipping ports hit their 4th record backup in three weeks," Insider (Sept. 14, 2021), https://www.businessinsider.com/shipping-delays-china-supply-chain-record-ships-stuck-california-ports-2021-8 (showing image of ships sitting off California coast in January 2021).
[308] CEQA Guidelines, Appendix G, *Aesthetics*, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf.
[309] DEIR at 3.11-8 to 3.11-11.
[310] *Id.* at 3.11-18 to 3.11-19.
[311] *Id.* at 3.11-19.

1. Oakland General Plan

The DEIR's analysis of the Oakland General Plan is cursory and ignores important components of the Plan. Consequently, the DEIR does not establish consistency with the General Plan.

First, the DEIR mentions under "Regulatory Setting" the General Plan Policy I/C4.2: "Minimizing Nuisances", which requires that "nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls."[312] However, the DEIR impact analysis omits this policy completely from its discussion. Similarly, the impact analysis ignores Policy W1.3: "Reducing Land Use Conflicts", mentioned in its Regulatory Setting, and fails to analyze potential conflicts between the Project and the Policy's mandate to "protec[t] adjacent residential areas from the impacts of seaport, airport, or other industrial uses", by using appropriate siting of industrial activities, buffering, truck traffic management efforts, and other mitigation measures.[313]

EJC-78

The land use discussion also fails to discuss or mention Objective T1.5 from the General Plan Land Use and Transportation Element, which aims to "reduce truck traffic impacts on residential neighborhoods", and the accompanying policies, including "Designating Truck Routes" (Policy T1.6) and "Re-routing and Enforcing Truck Routes" (Policy T1.8).[314]

2. West Oakland Specific Plan

The West Oakland Specific Plan was adopted in 2014. It covers the neighborhoods closest to the Port, in the area bounded between highways I-880, I-580 and I-980, with two additional areas immediately adjacent to the Port.[315] The Plan provides "the guiding framework for realizing the vision of a healthy, vibrant West Oakland."[316]It identifies a list of "opportunity sites" where new growth is most likely to occur and sets the vision and implementation program for their development.[317] The Plan contains a "comprehensive set of goals, objectives, strategies and guidelines to be used by the City of Oakland and other parties to support, attract and facilitate new development and redevelopment projects."[318]

EJC-79

The Plan identifies a list of community planning goals and objectives, which are the "drivers" of the Plan.[319] At a minimum, the DEIR should address the following objectives of the Specific Plan and discuss whether the Project will conflict with them:

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[312] DEIR at 3.11-9.
[313] *Id.* at 3.11-11.
[314] Oakland General Plan Land Use and Transportation Element, Ch. 2 at 51.
[315] City of Oakland, West Oakland Specific Plan at 1-5.
[316] *Id.* at 1-1.
[317] *Id.* at 1-9 to 1-10, 1-18.
[318] *Id.* at 1-18.
[319] *Id.* at 2-11.

Environmental and Sustainable Development Objective #3: Promote the environmental health of the community through new development.

Environmental and Sustainable Objective #8: Encourage sustainable development that incorporates innovative approaches to storm water management and air pollution mitigation, and continues to enhance the well-being of residents of West Oakland.

Transportation & Infrastructure Objective #4: "[r]educe truck traffic impacts on residential neighborhoods."[320]

As the PSE Report shows, the Project is expected to result in an increase of toxic air contaminants both from increase in cargo handling equipment and truck trips per call[321] as well as from ship emissions.[322] These TACS are linked to acute health impacts.[323] Moreover, the Project includes removal of truck parking, requiring current users to "be relocated or consolidated" to other locations.[324] The DEIR also admits that "some localized effects along roadways closest to the Proposed Project construction sites may be expected."[325] Yet, the DEIR fails to provide *any* analysis of the Project's consistency with the West Oakland Specific Plan. EJC-79

The DEIR must conduct a consistency analysis and explain how exposing the already overburdened residents of West Oakland to significantly more TACs are linked to acute health impacts, "promote[s] the environmental health of the community" and "enhance[s]" their "well-being." It should also explain how removing truck parking, generating more truck emissions and impacting roadways in the region is consistent with the Specific Plan goal of reducing truck traffic impacts on West Oakland residents.

3. Oakland Equitable Climate Action Plan

The ECAP acknowledges that "[f]rontline communities disproportionately face direct and indirect pollution burdens from Port operations and Port-related commerce, and have for decades."[326] Accordingly, under "Prioritizing Frontline Communities" the ECAP lists the actions that directly improve health outcomes.[327] EJC-80

One of these actions is Action P-1 - "Reduce Emissions from Port Vehicles and Equipment" - which lists the Port as the lead agency and recommends a long list of actions to reduce emissions from Port vehicles and equipment, including developing plans for electrification of drayage trucks and for electric charging infrastructure for yard trucks and cargo

[320] *Id.* at 2-11 to 2-13.
[321] PSE Report at 8–9.
[322] *Id.* Report at 7–8.
[323] *Id.* Report at 9.
[324] DEIR at 3.11-18.
[325] *Id.* at 3.14-29.
[326] ECAP, *supra*, at 118.
[327] *Id.* at 9.

handling equipment.[328] The DEIR land use analysis fails to discuss the ECAP and its policies and must be revised to include them.

Moreover, the Port's failure to include or even acknowledge nearby residents' environmental justice concerns renders the Project inconsistent with the ECAP. Of relevance, the ECAP "provides clear guidance that climate equity [which it defines as inclusive of environmental justice and racial and economic equity] is foundational in land use and transportation decisions" and assumes that "GHG emissions are reduced and climate change adaptation is built into project design."[329] The DEIR fails to address the Plan's environmental justice aspects and must be revised to do so. EJC-80

4. West Oakland Community Action Plan

The DEIR's land use analysis should be revised to include meaningful analysis of the Project's consistency or inconsistency with the WOCAP, which contains overarching goals and targets designed to alleviate freight pollution and attendant health problems burdening the nearby community, as well as 84 strategies designed to achieve emissions reductions in West Oakland. Given the fact that pollution sources from the Port are some of the largest contributors to the health problems, the Plan also lists the Port as one of the key agencies with roles for Plan implementation.[330]

The cursory discussion in the DEIR's Air Quality section does not replace a thorough analysis of the plan's land use policies aimed at mitigating environmental effects. A revised analysis should address, at a minimum, any potential conflict with the following land use strategies: Strategy #5: strategies to relocate truck yards and truck routes away from residences, Strategy #9: shifting and enforcing truck routes and hours within the community and enforcing existing restrictions on truck parking, truck idling, and Strategy #19: adopting an Electrical Infrastructure Plan for the maritime waterfront areas of Oakland. EJC-81

5. The DEIR inadequately addresses cumulative land use impacts

Finally, the DEIR fails to adequately address cumulative land use impacts. Despite stating that the geographic context for cumulative land use impact analysis includes the surrounding areas including the Seaport, Jack London Square, Downtown Oakland, West Oakland, and the north shore of Alameda,[331] the DEIR again fails to analyze the Project's consistency with the applicable land use plans, including the West Oakland Specific Plan and the West Oakland Community Action Plan. EJC-82

[328] *Id.* at 121.
[329] *Id.* at 33.
[330] WOCAP, Vol. 1, *supra*, at 6-2.
[331] DEIR at 4-20.

V. The DEIR Fails to Analyze and Mitigate Cumulatively Considerable Impacts

Under CEQA, an EIR must discuss significant "cumulative impacts."[332] Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."[333] A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects with impacts that might compound or interrelate with those of the project at hand.[334] Such analysis is necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[335] As is the case for all impact categories, a lead agency's threshold findings of significance with regard to cumulative impacts must "be supported by substantial evidence"; and, where found, cumulatively considerable impacts must be adequately mitigated.[336] In fact, BAAQMD instructs agencies like the Port "to seek to implement mitigation measures that would *benefit* overburdened communities."[337] EJC-83

Here, the DEIR concludes throughout its impacts analyses that the Project will cause significant and unavoidable impacts including significant and unavoidable cumulative impacts, even with its proposed mitigation measures. These findings are particularly troubling in light of the existing air quality and public health problems in the region and the presence of disproportionately burdened AB 617 communities like West Oakland.[338] It is therefore critical that the DEIR conduct an accurate assessment of the extent to which the significant and unavoidable impacts caused by the Project may tip the balance in favor of rejecting, rather than approving, the Project. Given their significance, the Port must address the numerous deficiencies in the DEIR's cumulative impacts analysis and thoroughly consider those impacts before approving the Project.[339]

A. The DEIR Ignores Operations Impacts, Which Renders the Entire Cumulative Impacts Analysis Inadequate

As discussed throughout these comments, the DEIR's failure to disclose and consider changes to Port operations from the Project taints the entire analysis. Simply put, this Project is inherently tied to Port operations and the DEIR cannot accurately analyze and mitigate its impacts if it ignores the reality of additional ULCV visits to the Port – including greater in-transit emissions during travel to the Port, greater use of equipment and rail to offload cargo, and even more truck traffic and congestion spilling out into neighboring communities. The DEIR's cumulative impacts section fails to fix this fundamental error. It therefore underestimates the EJC-84

[332] CEQA Guidelines, § 15130(a).
[333] *Id.*, § 15355(b).
[334] Pub. Resources Code, § 21083(b)(2); CEQA Guidelines, § 15065(a)(3).
[335] *Communities for a Better Environment, supra*, 103 Cal.App.4th at 114.
[336] *See* CEQA Guidelines, § 15064.7(b).
[337] BAAQMD CEQA Guidelines, Ch. 2 at 2-9.
[338] *Id.* at 2-12 (emphasis added).
[339] *See Vedanta Society of So. California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 530.

severity of all categories of potential impacts from the Project and renders the proposed mitigations inadequate. The DEIR is thus lacking in substantial evidence and fails as an informational document for the public and decisionmakers to be made aware of the environmental consequences of the Port's decisions before they are made, in violation of CEQA. EJC-84

B. The DEIR Fails to Consider the Full Range of Projects Required in a Cumulative Impacts Analysis

An adequate cumulative impacts analysis and discussion requires a thorough assessment of the incremental significance of the Project's impacts over time, and in consideration of "other projects causing related impacts."[340] The DEIR fails to conduct this assessment. For example, nowhere in Table 4.2-1 listing "Plans and Probable Future Projects" does the Port address its many upcoming grants for terminal and infrastructure expansions. One of these grants – for $36 million in 2022 for an outer harbor terminal redevelopment project – will create a new 25-acre container yard that expands cargo capacity and is set to generate 288,500 additional TEU truck trips per year along with associated marine vessel and cargo handling emissions.[341] The DEIR fails to explicitly disclose and evaluate the Project's cumulatively considerable impacts in relation to these and other ongoing activities in and around the Project area. EJC-85

Notably, the DEIR also does not provide any meaningful analysis of the types of cumulative impacts the projects in Table 4.2-1 would contribute to the region. Once an agency has a set of projected projects, CEQA requires it to include a summary of the environmental impacts expected to be produced by those projects and an analysis of whether the impacts are cumulatively considerable.[342] The industrial and transportation development projects listed by the Port will presumably have potential emissions impacts in the region that go unaddressed in the DEIR. The DEIR's underestimates of the Project's impacts over time in turn taints the document's ability to analyze the incremental and cumulative significance of those impacts and renders it legally deficient under CEQA.

VI. The DEIR'S Proposed Mitigation Measures Did Not Include Adequate Stakeholder Engagement

Many of the mitigation measures proposed by the DEIR are impermissibly vague. They are also effectively unenforceable, because there is no mechanism detailed in the DEIR to ensure that all construction operations will comply with the measures. For these reasons, the mitigation measures are invalid under CEQA. EJC-86

[340] CEQA Guidelines, § 15130(a)(1).
[341] U.S. Dept. of Transportation Maritime Admin., *FY 2022 Port Infrastructure Development Program Grant Awards* (Oct. 28, 2022), https://www.maritime.dot.gov/sites/marad.dot.gov/files/2022-10/FY%202022%20Port%20Infrastructure%20Development%20Grant%20Awards.pdf; *see* Environmental Defense Fund, Environmental Justice Review of U.S. DOT's 2022 PIDP Grants and Benefit-Cost Analysis Guidance (July 12, 2023).
[342] CEQA Guidelines, § 15065(a)(3).

CEQA requires that an agency issuing an EIR identify mitigation measures that, if implemented, would reduce the impacts of the project below the "significance" threshold.[343] For each significant impact, an agency must either identify measures that the project will include that will mitigate the impact, identify measures that another agency has jurisdiction to adopt, or find that the necessary mitigation measures are infeasible.[344] In the latter case, the agency must issue a statement of overriding considerations describing why the project should go forward even without the infeasible mitigation measures.[345] Mitigation measures must be "fully enforceable through permit conditions, agreement or other measures."[346] Agencies must support their finding that mitigation measures are adequate with substantial evidence.

As described in Section IV above, many of the mitigation options proposed by the DEIR are "cursorily described," are "nonexclusive, undefined, untested and of unknown efficacy," and create "no objective criteria for measuring success."[347] The vague and improperly described mitigation measures are emblematic of the Port's failure to adequately engage with community members and stakeholders to draft enforceable and effective mitigation measures. Several members of our coalition have expressed this sentiment in comments at the Port's several community meetings, and we are not alone in expressing this sentiment. U.S. Representative Barbara Lee sent letters of concern to both the Army Corps and the Port regarding the lack of community engagement in this process.[348]

EJC-86

VII. The DEIR Fails to Coordinate CEQA and NEPA Review for the Project

The Port and the Army Corps' decision to push forward with separate environmental reviews under CEQA and NEPA, respectively, is extremely inefficient and prevents the public from engaging in the decisionmaking process. The lack of coordination of environmental review also conflicts with NEPA guidance issued by the Council on Environmental Quality and the CEQA Guidelines. To avoid the need for preparation of duplicate documents, both the CEQA Guidelines and the NEPA regulations encourage interagency cooperation in the preparation of one document that satisfies both statutes.[349]

EJC-87

Further, the Port and Corps' decision produces disjointed opportunities for stakeholders to provide input and participate in the decisionmaking process. This lack of coordination results in incomplete information sharing, confusion, and limited opportunities for comprehensive public participation. Impeding public participation is particularly concerning given that this Project impacts disproportionately burdened environmental justice communities. Additionally, inhibiting engagement with communities contradicts the goals of the Newsom and Biden

[343] Pub. Resources Code, § 21081.
[344] *Id.*, § 21081.
[345] *Id.*, § 21081(a).
[346] *Id.*, § 21081.6(b); CEQA Guidelines, § 15126.4(a)(2); *Sierra Club*, *supra*, Cal.App.4th at 750.
[347] *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 93.
[348] U.S. Rep. Lee Letter to Port, *supra*; U.S. Representative Barbara Lee, Letter to Eric Jolliffe, U.S. Army Corps of Engineers, "Inquiries on Oakland Harbor Turning Basins Widening Navigation Study; Revised Draft Integrated Feasibility Report and Environmental Assessment" (October 25, 2023).
[349] CEQA Guidelines, §§ 15222, 15226(d), 15228; 40 C.F.R. § 1506.2.

Administrations' recent executive orders which establish stricter public participation requirements for federal and state actions that impact frontline communities.[350]

Equally concerning, pursuing separate CEQA and NEPA processes fragments the Port's and the Corps' obligations to identify appropriate mitigation measures. Without integration, mitigation measures will be addressed separately in NEPA and CEQA processes, which may not adequately address cumulative impacts or achieve the most effective and coordinated mitigation strategies. Notably, the Army Corps' NEPA analysis for all resource topics concluded that the Project would not result in significant effects on the environment, and that there would not be disproportionate adverse impacts to the surrounding environmental justice communities.[351] However, the Port's DEIR has acknowledged that even after proposed mitigation, the Project would have significant and unavoidable air quality, health, and noise impacts to nearby communities.[352] The discrepancy in this analysis is confusing and leaves affected community members in the dark about the mitigation strategies that will be implemented. Will the Army Corps' conclusion override the Port's determination? If the Army Corps' conclusion is the operative one, which mitigation measures, if any, will be implemented to mitigate the harm community members and the Port have identified? The failure to coordinate this analysis leaves these questions entirely unanswered. EJC-87

And this failure to coordinate also infects other resources. For example, the Port has identified additional eelgrass mitigation measures and has assigned part of the responsibility for these measures to the Corps.[353] This could require the Corps to revisit its NEPA documentation or possibly even produce supplemental analysis. In effect, separating NEPA and CEQA processes may produce the very delay that the Port and the Corps claimed to avoid by proceeding separately.

Furthermore, separating the federal environmental review under NEPA from the state CEQA process has led to redundant analyses by separate entities, increasing the public taxpayer dollars that are being spent on this process. Embarking on separate processes also results in inconsistencies and conflicts between federal and state environmental requirements, and even inconsistencies in the documents themselves. For example, as discussed above in Section IV. I., the Corps' analysis of hazardous materials directly conflicts with the Port's own assessment of what materials are suitable for aquatic disposal. This will lead to confusion and disagreements

[350] Executive Order N-8-23 (May 19, 2023), https://www.gov.ca.gov/wp-content/uploads/2023/05/5.19.23-Infrastructure-EO.pdf; Executive Order 14091, "Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" (Feb. 16, 2023) at § 3, https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/; *see also* Executive Order 14096, "Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All" (Apr. 21, 2023), https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/.

[351] *See, e.g.*, Revised Draft EA at 235.

[352] DEIR at ES-6.

[353] *Id.* at 3.4-42 to 3.4-43 (Port *and* the Corps will conduct eelgrass surveys and develop a pre- and post-construction mitigation plan together).

among agencies, stakeholders, and project proponents, potentially hindering the decisionmaking process and Project progress.

We urge the Port to re-do its analysis, recirculate the DEIR, and coordinate the environmental review process with the Army Corps, to enable members of the public to participate more meaningfully and efficiently in both processes. EJC-87

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These comments discuss our principal concerns with the Port's DEIR for the Turning Basins Project. Now that the Port is on notice of these concerns, it has the opportunity to revisit this Project with principles of environmental justice and equity in mind, and it should seize the chance to do so now. We urge the Port to revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake. The Port must disclose and analyze all reasonably foreseeable impacts to air quality and climate, environmental justice communities, wildlife, and the San Francisco Bay as described above, and it must undertake careful analysis of meaningful mitigation measures should the Project go forward. Failure to do so runs afoul of CEQA and its underlying principles. EJC-88

Thank you for your consideration of these comments. We would welcome the opportunity to engage with the Port further. You may contact Katrina Tomas at ktomas@earthjustice.org and Michelle Ghafar at mghafar@earthjustice.org with any questions about this submission.

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INDEX OF ATTACHMENTS IN SUPPORT OF COMMENTS

We submit the following documents into the record regarding the Oakland Harbor Turning Basins Widening Project together with our December 18, 2023 comments. All attachments listed below are viewable and downloadable at the following link:

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Exhibit A

Draft Environmental Impact Report for the Port of Oakland's Turning Basin Expansion Project

Expert Review

December 2023

PSE Bringing science to energy policy

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About PSE Healthy Energy

PSE Healthy Energy (PSE) is a scientific research institute generating energy and climate solutions that protect public health and the environment. PSE provides expertise in public health, environmental science, and engineering and brings science to energy policy through actionable research, communications, and advising. **Visit us at psehealthyenergy.org.**

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Kelsey Bilsback, PhD is a senior scientist with expertise in mechanical engineering and atmospheric science. Her research uses modeling tools to quantify the air quality, health, and equity impacts of energy policies and planning. Examples of her work include quantifying the indoor and outdoor air quality impacts of methane leaks from the oil and gas sector and evaluating the health and equity impacts of utilities's energy production portfolios. Dr. Bilsback has a PhD in Mechanical Engineering from Colorado State University and a BA in Physics from Boston University.

1. Introduction

The Inner and Outer Turning Basins of the Port of Oakland ("the Port") are located within the overburdened community of West Oakland. Within the Bay Area Air Quality Management District's (BAAQMD) jurisdiction, overburdened communities are defined as communities located within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen Version 4.0) as having an overall score at or above the 70th percentile.[1,2] The Inner and Outer Turning Basins reside in census tracts with a CalEnviroScreen 4.0 score at the 80th and 77th percentile, respectively.

Within the Draft Environmental Impact Report (DEIR) for the Oakland Harbor Turning Basin Widening Project ("the Project"), we reviewed relevant air quality and public health sections within Section 3 and in accompanying appendices. We also reviewed Section 6.3 Growth Inducing Impacts. Overall, we recommend that additional efforts are taken to analyze the emissions and subsequent health risks during the Project's construction phase and from the Project's impacts on long-term Port operations. Dispersion modeling should be expanded to include additional information on receptor spacing and sensitive receptor designation within the DEIR. The DEIR did not conduct a health risk assessment that encompasses operations-related impacts at the Port due to the Project; however, this decision was predicated on the assumption that emissions and subsequent health risks would likely not change after the project's construction and/or that sufficient information was not available to calculate changes in emissions and subsequent health impacts. However, our review of the scientific and air permitting literature suggests that emissions and subsequent health risks may change if larger ships are called to the Port, even if the cargo throughput at the Port does not change, as the Port assumes, and that these risks can be assessed using available data and tools. Vessel voyage analysis based on data collected by the Port should therefore be included in order to provide estimates on increased anchorage visits and the effect on time spent at berth.

In **Section 2**, we discuss the scientific evidence that conflicts with the DEIR's underlying assumption in the decision not to conduct a health assessment that encompasses the Project's operations-related impacts after construction is complete and discuss how post-construction emissions could be estimated. In **Section 3**, we demonstrate that calculating the Project's operational emissions during construction is commonplace in environmental review documents for similar projects. Finally, in **Section 4**, we review the

[1] Bay Area Air Quality Management District. (2021, December 15). Regulation 2 Permits, Rule 1 General Requirements, Section 2-1-243.
[2] Office of Environmental Health Hazard Assessment. CalEnviroScreen 4.0. Retrieved in November 2023.

receptor spacing selections and request additional clarity on how sensitive receptors were categorized. EJC-95

2. Health Risk from Project Operations

2.1 The DEIR should have evaluated health risks after the Project completion.

As reported in Appendix C of the DEIR, no health risk assessment was developed for the Project's impacts on long-term Port operations. The DEIR justified this choice under the assumption that the projected cargo throughput at the Port would not change as a result of the Project. The DEIR claims that the widening of the turning basins under the Project would allow for a greater percentage of large vessels in the fleet mix that call to the Port. Thus, to transport the same volume of cargo with larger vessels in the fleet mix, there would have to be fewer vessels calling to the Port annually. The DEIR claims that fewer calls with larger ships would decrease shipping emissions compared to the No-Project scenario.

To support this claim, a draft memorandum prepared prior to the DEIR, shown in Attachment A of Appendix B, compared only ship-related Criteria Air Pollutant (CAP) emissions (excluding land-side impacts from cargo volume changes) in the Proposed-Project scenario and No-Project scenario. The draft memorandum found that ship emissions for the Proposed-Project scenario are expected to be lower than the No-Project scenario. This finding was used to justify not completing a comprehensive operational health risk assessment for the Project as part of the DEIR.

However, our review and assessment shows three main gaps between the Port's emissions analysis and the decision not to conduct a health risk assessment for the Proposed-Project scenario: (1) anchorage emissions are excluded from the ship emissions estimates and may increase with larger ships; (2) potential increases in the Port's cargo capacity and subsequent implications on emissions are not considered; and (3) changes in acute (short-term) emissions and subsequent health risks are not calculated. Below, we summarize and expand on these three gaps in the analysis and discuss why these points should still be considered even if we assume, as the Port does, that cargo throughput does not change with the Project. EJC-96

2.1.1 Evidence suggests that anchorage emissions can be estimated and may increase with ship size.

When estimating CAP emissions in the Proposed-Project and No-Project scenarios, anchorage time was not included because "Anchorage events exhibited significant temporal variability in 2020, making it impossible to determine if ship size was a causative factor in making the decision to go to anchor or in deciding how long to anchor in the Bay." However, EJC-97

there is scientific evidence that ship size may impact anchorage emissions, and data are available to estimate these emissions (**Section 2.2**).

For example, an independent assessment of this assumption conducted by Dr. Edward Carr at Energy and Environmental Research Associates ("Carr Report") found that: (1) the mean time spent at anchorage, when sent to anchorage, is significantly longer for the larger vessels, (2) vessels longer than 300 meters are over two times more likely to visit anchorage than shorter vessels, and (3) under default auxiliary load assumptions, emissions at anchorage are consistently higher compared to emissions at berth.[3] Further, anchorage emissions accounted for 13 percent of diesel particulate matter (DPM) emissions associated with ocean-going vessels (OGVs) at the Port of Oakland in 2020, making it the third most significant operating mode for DPM emissions after transiting and berthing.[4] Without adjusting the vessel speed throughout its route, congestion at anchor will continue to play a significant role contributing to increased emissions due to the larger engines found in megaships.[5] Thus, anchorage time is important to consider and larger ships are expected to result in increased anchorage emissions.

EJC-97

2.1.2 Our literature review suggests that the Project may lead to growth; the potential subsequent emissions and health risks should be considered.

Literature sources investigating the effect of mega-ships (defined as ships with capacities of 18,000 twenty-foot equivalent units or more) on international and regional ports reveal that vessels are continuously increasing in size to reap the benefits of economies of scale.[6] Economies of scale are the cost advantages gained by increasing the scale of production. In shipping, economies of scale are achieved by increasing cargo throughput while decreasing unit costs related to larger ships.[7] In order to accommodate larger vessels, terminals will have to increase productivity to meet the cargo throughput changes that increase with vessel size.[8] Increases in vessel size have been linked to increased port capacity development in order to remain competitive in port systems, sometimes through strong

EJC-98

[3] Carr. E. W. (2023, June 16). Comments on Oakland Harbor Turning Basins Widening Navigation Study; *Revised Draft Integrated Feasibility Report and Environmental Assessment*.

[4] Stoeckenius, T., Lindhjem, C., Grant, J., Parikh, R., & Chan, L. Port of Oakland 2020 seaport air emissions inventory. *Ramboll*.

[5] Andersson, P., Ivehammar, P. (2017, March). Green approaches at sea – The benefits of adjusting speed instead of anchoring. *Transportation Research Part D: Transport and Environment*, *51*, 240-249.

[6] Merk, O., Busquet, B., & Aronietis, R. (2015, April). The impact of mega-ships. *International Transport Forum Organisation for Economic Co-Operation and Development (OECD), Paris*.

[7] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

[8] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

adaptive capacities that combine technological, financial, and human resources.[9] Studies show that the arrival of mega-ships to a port is associated with higher occupancy, more feeder traffic from trucks and trains, increased number of cranes and yard equipment, larger yards, and flexible port labor forces.[10] These changes are expected to result in higher overall energy demand, an increase in the spatial and temporal distribution of atmospheric emissions, an increased risk of congestion, and resulting spikes in emissions due to idling trucks and pulses in cargo handling equipment usage.

EJC-98

The California Environmental Quality Act (CEQA) requires proposed projects to examine any growth-inducing impacts the project may have in order to accurately estimate the direct and indirect impacts of the construction and operation of the project. The DEIR claims that the Project will not induce growth despite allowing larger vessels to call on the Port, because the Port is yard-constrained, and the Project does not include landside improvements to increase the Port's cargo handling capacity. Additionally, because the Port is yard-constrained, the DEIR claims that by not increasing the cargo handling capacity of the yard, the throughput is not expected to increase above the projected 2.1 percent, which is consistent with the No-Project scenario. The DEIR also claims that any significant change to the constraints of the yard would require its own environmental review, and therefore any future increases in shipping operational activity would be analyzed later. This does not account for the fact that the Project could increase the Port's cargo throughput capacity if even minor updates were made to landside operations to increase the yard handling capacity of the Port.

EJC-99

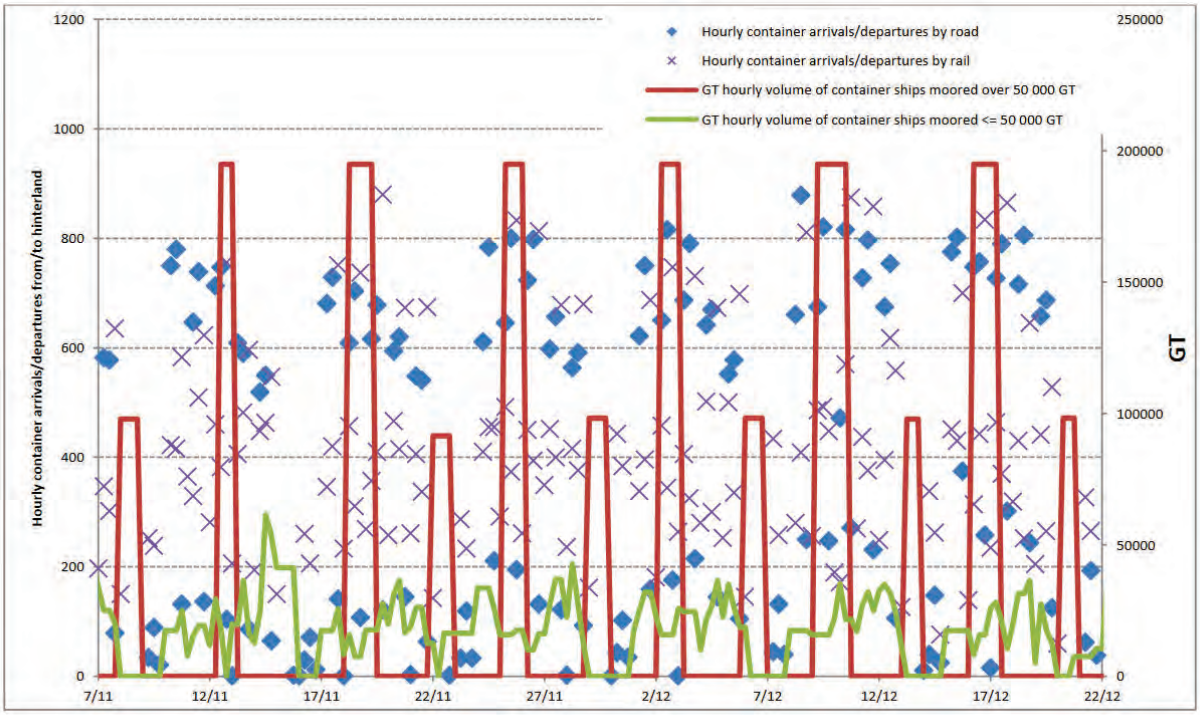
Increasing the yard handling capacity of a port can be done physically by expanding the yard surface, adding yard equipment, or even stacking containers, and operationally by implementing optimizing software to reduce dwell times and allow for more throughput for the same yard surface.[11] None of these changes are analyzed in the DEIR, and it is not guaranteed that the Port will do so in a separate CEQA analysis. Since the Port is not berth-constrained, increasing the size of the vessels that can access the Port allows for more calls to be made, as the DEIR acknowledges; alongside these potential changes in yard handling capacity, this means that the Project could induce additional growth than is currently being analyzed in the DEIR.

EJC-100

[9] Notteboom, T. (2016). The adaptive capacity of container ports in an era of mega vessels: The case of upstream seaports Antwerp and Hamburg. *Journal of Transport Geography*. Volume 54, Pages 295-309, ISSN 0966-6923.
[10] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.
[11] Port Economics, Management and Policy. Balancing Water and Yard Capacity. Retrieved in December 2023.

2.1.3 The use of larger vessels is likely to increase short-term (acute) emissions.

Megaships are known to create peak effects during ship-to-shore handling, yard operations, and hinterland transport,[12] i.e., the land area over which a transport terminal, such as a port, sells its services and interacts with its users.[13] Large vessels allow for increased cargo throughput with each individual call. As a result, ports are forced to increase their berth productivity, reduce container dwell time, and increase their truck and train turn-around times.[14] This is done by increasing their crane and yard equipment usage during cargo handling.[15] Additionally, they contribute to more feeder traffic, as well as truck and train movements to meet peak increases in cargo.[16] This can be shown in **Figure 1**, taken from the Organisation for Economic Co-operation and Development's (OECD's) International Transport Forum's (ITF's) report on "The Impact of Megaships." EJC-101



Source: OECD/ITF elaboration based on data provided by port authority and terminal operator

Figure 1. *Relation between mega-ship arrivals and port truck movements (OECD 2015)*

[12] Rodrigue, J. P., & Notteboom, T. (2020). Chapter 6.2 Transport Terminals and Hinterlands. *The Geography of Transport Systems, Fifth Edition*. Routledge.

[13] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

[14] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

[15] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

[16] Merk, O. (2018). Container ship size and port relocation, discussion paper. *International Transport Forum, Organisation for Economic Co-Operation and Development (OECD), Paris*.

Even if the projected annual cargo throughput does not change for the Proposed-Project scenario with respect to the No-Project scenario, as the Port claims, the current health risk assessment performed in the DEIR does not account for the increased acute health risk as a result of increased short-term (1-hour) peak activity.

Per the DEIR, widening the turning basins will allow for a greater percentage of large vessels in the total fleet mix when compared with the No-Project scenario. As shown in the emission estimation methodology of OGVs presented in the 2020 Port of Oakland Emissions Inventory, larger vessels result in higher hourly emissions than smaller vessels as a result of their emissions being directly related to the kilowattage of the diesel and steam engines aboard.[17] As a result, even if the Port's assumption is correct that the number of calls per year is expected to be less than the No-Project scenario and the annual emissions are expected to be less than or about the same, the short-term (hourly) emissions that occur during peak activity are still expected to increase. EJC-102

Short-term (acute) emissions should be evaluated because some toxic air contaminants (TACs) may cause potential non-cancer health impacts as a result of only one hour of exposure; these risks are estimated during a health risk assessment by calculating the non-cancer acute hazard index. Total organic gas emissions from diesel exhaust generated by OGVs can be speciated into a number of TACs,[18] many of which are known to cause acute health impacts. Some, such as benzene and 1,3-butadiene, are even identified as causing severe acute impacts.[19] An increase in the hourly emissions of such contaminants will cause an increase in the acute hazard from the Project. EJC-103

Larger vessels will also cause an increase in the amount of cargo arriving at the Port for each individual call. At the Port of Oakland, cargo is transferred between marine vessels, storage areas, and trucks via diesel-powered cargo handling equipment such as yard tractors, rubber-tired gantry cranes, top or side handlers, and forklifts.[20] Diesel-fueled trucks then transport cargo between marine terminals, freeway interchanges, and nearby rail yards.[21] As a result of using larger vessels, the increase in pulses of cargo will cause an increase in cargo handling equipment usage and truck trips during peak activity.[22] As evidenced in the DEIR, EJC-104

[17] Stoeckenius, T., Lindhjem, C., Grant, J., Parikh, R., & Chan, L. Port of Oakland 2020 seaport air emissions inventory. *Ramboll*.

[18] California Air Resources Board. Speciation Profiles Used in CARB Modeling. Retrieved in December 2023.

[19] California's Office of Environmental Health Hazard Assessment. Chemicals. Retrieved in December 2023.

[20] Stoeckenius, T., Lindhjem, C., Grant, J., Parikh, R., & Chan, L. Port of Oakland 2020 Seaport Air Emissions Inventory. *Ramboll*.

[21] Stoeckenius, T., Lindhjem, C., Grant, J., Parikh, R., & Chan, L. Port of Oakland 2020 Seaport Air Emissions Inventory. *Ramboll*.

[22] Carr. E. W. (2023, June 16). Comments on Oakland Harbor Turning Basins Widening Navigation Study; *Revised Draft Integrated Feasibility Report and Environmental Assessment*.

off-road equipment and on-road trucks are known to emit TACs, most of which are also linked to acute health impacts. An increase in the hourly activity of cargo handling equipment and on-road trucks as a result of increased cargo throughput per call will therefore cause an increase in acute hazard from the Project, which was not quantified in the DEIR.

The DEIR acknowledges the potential for this increased risk but assumes the risks will be insignificant, stating that although "there may be some potential changes in localized emissions due to changes in peak activity that may influence the acute [hazard index]" that "it is unlikely that these peak activity changes would be substantially different when compared to the No-Project future baseline scenario given the Port landside operation scheduling mechanisms to control and minimize peak activity concerns." However, given the existing pollution burden in surrounding communities, as well as the reasonableness of estimating acute impacts from increased shipping, trucking, and equipment hourly emissions, this claim should be supported quantitatively in order to fulfill the expectations of complete health risk assessment.

EJC-104

2.2 Existing data and tools are available to estimate changes in traffic and shipping emissions due to the Project.

The methodology for estimating emissions from operations-related changes in truck activity and shipping activity due to the Project is readily available and has already been used for previous Port of Oakland emissions inventories, such as the 2020 Seaport Air Emissions Inventory that is cited in the DEIR.[23] The methodology detailed in the inventory includes appropriate emission factors, formulas, and adjustment factors for all major sources included in the Port's operations. The existing Port emissions inventory can be used along with modeled future routes and traffic counts to determine the effect of different scenarios on the concentration of pollutants dispersed in the vicinity of the Port. Previous EIRs conducted for activities in and around the Port of Oakland show that increases in trucking and shipping as a result of a project can and should be included in the air quality and health risk assessment. For example, the Eagle Rock Aggregates Oakland Terminal Project FSEIR estimated the increased operational emissions from OGVs, tugs (assist and barge), trucks, off-road equipment, and employee vehicles.[24]

EJC-105

The input data required to estimate future operational shipping emissions can be obtained from existing vessel activity information, such as call data, estimated time at berth, estimated time at anchor, shift information between berths, shore power usage, and vessel

[23] Stoeckenius, T., Lindhjem, C., Grant, J., Parikh, R., & Chan, L. Port of Oakland 2020 seaport air emissions inventory. *Ramboll*.

[24] Alta Environmental. (2020, October 29) Appendix D, Health Risk Assessment for the Draft SEIR for the Eagle Rock Aggregates Inc. Oakland Terminal.

characteristics such as propulsion power, cruise speed, auxiliary power, and build date. This information is already provided in the DEIR, with the exception of adequately quantifying anchorage emissions and increased call information as a result of the increased Port capacity. Anchorage emissions estimates can be calculated by simply assigning increased times at anchor for vessels larger than 300 meters to capture future mega-ship traffic. Increased call information from anticipated Port growth can be estimated using voyage records from existing megaships and fleet composition using the Automatic Identification System (AIS).[25]

The input data required to estimate future operational trucking emissions includes estimated trucks per year, estimated vehicle miles traveled (VMT) per year, and fleet mix. Fleet mix defaults for future modeled years are provided by the California Air Resources Board (CARB) On-Road EMFAC2021 model.[26] Annual truck trips and VMT can be forecasted using a variety of models and methodologies required by CEQA as part of the Transportation chapter of the DEIR. These methodologies can estimate average daily traffic (ADT) volume, intersection visit increases, and peak hour trips added to the nearby freeways, as shown by the Eagle Rock Aggregates Oakland Terminal Project FSEIR Transportation chapter.

EJC-105

Non-regulatory models can also be used to estimate changing traffic emissions due to the Project. For example, the Community model for near-PORT applications (C-PORT) is a research-grade screening tool developed by the National Exposure Research Laboratory (NERL) Atmospheric Modeling and Analysis Decision (AMAD) currently under study by the United States Environmental Protection Agency's (EPA's) Office of Research and Development (ORD) that can be used to examine the effect of different traffic patterns and port activities.[27,28] These models can be used to enhance existing regulatory-approved methodologies.

3. Health Risks from Project Construction

3.1 The DEIR should consider how Project construction will impact ongoing Port operations when estimating construction health risks.

EJC-106

The DEIR does not account for the Port of Oakland's ongoing operational activity during the Project's construction phase, including shipping, cargo handling, trucking, and rail transportation. Ceasing operations during construction would be a significant departure from the norm, so we assume it is likely that Port operations would occur concurrently with

[25] MarineCadastre.gov. Vessel Traffic Data. Retrieved in December 2023.
[26] California Air Resources Board. On-Road (EMFAC). Retrieved in December 2023.
[27] Arunachalam, S., Barzyk, T., Isakov, V., Venkatram, A., Snyder, M., Rice, N., Naess, B., & Talgo. K. (2014, September 8). C-PORT: A Community-Scale Near-Source Air Quality System to Assess Port-Related Air Quality Impacts. 16th International Conference on Harmonisation within Atmospheric Dispersion Modeling for Regulatory Purposes. *U.S. Environmental Protection Agency*.
[28] U.S. Environmental Protection Agency. (2017). Sustainable and Healthy Community Research.

construction. However, due to the nature of the proposed construction, it is likely that existing operations at the Port will have to shift to accommodate construction activity. This shift, which may be temporal or spatial, may cause changes to the health risks associated with the operation of the Port. These changes should be quantified by the DEIR as part of the health risk assessment.

In addition, the health impacts from the changes in operational activities associated with the proposed construction should be analyzed in conjunction with the construction health risks estimated in the DEIR. It is common for large projects in the Bay Area to have a phased construction schedule that results in concurrent construction and operational emissions. As a result, the BAAQMD has explicitly stated in their 2022 CEQA Guidelines that "construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap."[29]

EJC-106

Similar projects in the Bay Area have conducted this type of analysis, including projects conducted by the Port of Oakland such as the Oakland International Airport - Terminal Modernization and Development DEIR.[30] This DEIR analyzes construction from 2025 through early 2030; however, incremental operations are assumed to commence in the final phases of construction for the proposed project, between 2028 and 2030.[31] As a result, the health risk assessment conducted for the DEIR reports construction-only risks, operations-only risk, and a combined construction and operations risk. In order to accurately estimate the increased health risk as a result of the construction of the Project, the DEIR should include the health risks that result from the interim operational activities that are expected to occur concurrent with construction, based on CEQA guidance and existing precedent at the Port of Oakland.

EJC-107

4. Sensitive Receptors and Receptor Spacing

4.1 The sensitive receptor grid provided by the DEIR is missing the receptor type determination used for the health risk assessment.

It is common practice to show the modeled receptor grid used in the health risk assessment with clear receptor type determinations. For example, in the Oakland International Airport - Terminal Modernization & Development Project DEIR Appendix C Human Health Risk Assessment, Figure E-1 shows which receptors were allocated as

EJC-108

[29] Bay Area Air Quality Management District. (2023, April 25). 2022 BAAQMD CEQA Guidelines, Chapter 5 "Project-Level Air Quality Impacts".

[30] CDM Smith. (2023, July). Appendix E, Human Health Risk Assessment Technical Report for the DEIR for Oakland International Airport - Terminal Modernization and Development.

[31] CDM Smith. (2023, July). Appendix E, Human Health Risk Assessment Technical Report for the DEIR for Oakland International Airport - Terminal Modernization and Development.

residential, school, hospital, worker, recreational, and over water. This helps the public and regulators determine whether all sensitive receptors of concern were allocated correctly and analyzed appropriately.

Three sensitive receptor types were modeled in the Port's DEIR: residents, students, and workers. However, because the DEIR does not present the receptor type determination for the modeled receptor grid, it is not clear which receptors were modeled as residents, which were modeled as workers, and which were modeled as students. Sensitive receptor type impacts the cancer risk estimation because it impacts the exposure parameters that are used in the calculation of cancer risk. Cancer risk is impacted by the sensitive receptor type via the associated exposure duration/frequency (length of time exposed to the source over the project lifetime and annually) and the age of the receptor. Infants aged 0-2 have the highest exposure as a result of their increased daily breathing rate and increased sensitivity to TACs, followed closely by children aged 2-16. As a result, residents, who are assumed to be infants at the start of exposure, and infant child-care centers tend to have the highest exposure. Depending on the project duration, exposure duration may impact overall exposure; a resident will have increased exposure than a daycare child if the Project is analyzed over a 30-year period since the exposure duration for residents is 30 years whereas exposure duration for daycare children is usually around 2-5 years.

EJC-108

Since no map of the receptor type allocation was presented in the DEIR, it is difficult to evaluate the exposure assumptions used in the cancer risk estimation. For example, no receptors were modeled as daycare children despite there being a number of daycares in the modeled area. For example, the S.S.U.C Thurgood Marshall Early Headstart child development center, located at 1117 10th St, is located within 500 meters of two major roadways modeled as part of the health risk assessment and is licensed to serve infants ages 0-2 years old. However, because daycares were not included in the sensitive receptor exposure parameter list and the receptor type allocation is not presented, it is unclear if the daycare was modeled as a resident, school child, or worker. If the daycare was modeled as a resident, it may have been modeled conservatively; however, if the daycare was modeled as a school child or worker, the health risk assessment may have underestimated the cancer risk at this location. Since no map of the receptor type allocation was presented, it is difficult to tell if this health risk assessment accurately estimates the severity of the health impacts on the community.

4.2 The receptor grid was not designed to accurately estimate the health risks of increased truck traffic.

Per BAAQMD CEQA Guidelines, receptor grids for refined modeling may warrant 20-meter spacing beyond 1,000 feet from the project boundary to ensure that the modeling

EJC-109

has captured all areas that may be potentially affected by the project.[32] As shown in Figure 8 of Appendix C, the truck traffic routes reach Atlantic Avenue in West Alameda and continue eastward. This means that truck emissions that result from the construction and operation of the Project may cause increased health impacts on the sensitive receptors that lie south of this route. Sensitive receptors in the area include residences, which directly border the roadway along much of the modeled route, and schools/daycares. There are at least three preschools/daycares that exist within 300 meters of the modeled roadway: (1) Sugar and Spice, a preschool that accepts children ages 2-5; (2) Peter Pan School, an infant center/preschool that serves ages 0-5; and (3) Arcoiris Spanish Learning Academy and Childcare, a preschool that serves children ages 2-5. These daycares are at increased risk of chronic, acute, and cancer risks because they are exposed to two roadways that will experience increased traffic as a result of the Project: Webster Street and Highway 260. Peter Pan School, for example, lies within 20 meters of Webster Street and within 90 meters of Highway 260. These preschools/daycares are located in an overburdened community, as defined by BAAQMD; they have 77th percentile CalEnviroScreen 4.0 scores.

EJC-109

The DEIR established a receptor grid that uses the appropriate 20-meter spacing only to the west of the Webster and Posey Tube; the residential communities and preschool/daycares described above are instead represented with a 50-meter spacing to the north of the highway. Fine, tightly spaced receptors near emissions sources are critical for identifying areas of heightened risk.[33] A 50-meter grid spacing may not accurately capture the increased health risks at these sensitive receptors, especially when estimating the acute health risks from the Project's operation, as increases in pulse truck traffic will impact the existing overburdened community. To better estimate the health impacts of the Project's construction and operation, the DEIR should use a 20-meter grid spacing around the modeled roadways, particularly in areas with known sensitive receptors such as residences and daycares.

[32] Bay Area Air Quality Management District. (2023, April 25). 2022 BAAQMD CEQA Guidelines, Chapter 5 "Project-Level Air Quality Impacts".
[33] Bay Area Air Quality Management District. (2023, April 25). 2022 BAAQMD CEQA Guidelines, Chapter 5 "Project-Level Air Quality Impacts".

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- Sampled Philadelphia's air quality with PACE mobile lab, an electric car outfitted with three commercial sensors and two PACE-designed sensors using near-infrared and mid-IR lasers
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ENVIRONMENTAL INFORMATICS

OS/HPC/Cloud experience: Windows/Linux/MacOS. Developing frameworks and tools for performing and managing air quality projects using EPA models on the cloud (Microsoft Azure and Amazon Web Services), hands-on HPC experience in academic/governmental/private settings.
Programming/Statistics: Shell scripting, R, Python, FORTRAN, SAS, Matlab, Visual Basic
Air Quality Models: EMF/SMOKE/CMAQ, CAMx, HYSPLIT, EDMS, AERMOD, WRF, COBRA

PEER-REVIEWED PUBLICATIONS

1. D'Ambro E., Pye H., Bash J., Bowyer J., Allen C., **Efstathiou C.**, Gilliam R., Reynolds L., Talgo K., Murphy B., (2021). Characterizing the air emissions, transport, and deposition of per-and polyfluoroalkyl substances from a fluoropolymer manufacturing facility. ***Environmental Science and Technology*** (DOI: 10.1021/acs.est.0c06580)
2. Qin M., Murphy B., McDonald B., McKeen S., Koval L., Isaacs K., Lu Q., Robinson A., Strum M., Snyder J., **Efstathiou C.**, Allen C., Pye H. (2021). Criteria pollutant impacts of volatile chemical products informed by near-field modelling. ***Nature Sustainability*** (DOI: 10.1038/s41893-020-00614-1)
3. Lu Q., Murphy B., Adams P., Zhao Y., Qin M., Pye H., **Efstathiou C.**, Allen C., Robinson A. (2020). Simulation of organic aerosol formation during the CalNex study: updated emissions and simplified secondary organic aerosol parameterization for intermediate volatility organic compounds. ***Environmental Science and Technology*** (DOI: 10.5194/acp-20-4313-2020)
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8. Lammel G., **Efstathiou C.**, Eleftheriadis K., Kohoutek J., Kukucka P., Mulder M, Pribylová P., Prokeš R., Samara C., Tasdemir Y., Sofuoglu A., Sofuoglu S., Vassilatou V., Voutsa D., Vrana B. (2015). Air and seawater pollution and air-sea gas exchange of persistent toxic substances in the Aegean Sea: spatial trends of PAHs, PCBs, OCPs and PBDEs. ***Environmental Science and Pollution Research*** (DOI: 10.1007/s11356-015-4363-4)
9. Estellano V. H., Pozo K., Silibello C., Mulder M. D., **Efstathiou C.**, Corsolini S., Focardi S. (2015). Assessing levels and seasonal variations of current-use pesticides (CUPs) in the Tuscan atmosphere, Italy, using polyurethane foam disks (PUF) passive air sampling devices. ***Environmental Pollution*** (DOI: 10.1016/j.envpol.2015.05.002)
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Personal Statement

Dr. Bilsback is a scientist with a background in mechanical engineering and atmospheric science. She has expertise in energy, combustion, air pollution, aerosols, atmospheric modeling, emissions measurements, the impacts of air pollution on human health and climate, and data and statistical analyses. Her work uses modeling to evaluate the impacts of energy production and use on air quality and human health. Prior to joining PSE, Dr. Bilsback was a postdoctoral researcher in atmospheric science at Colorado State University. As a researcher, she implemented process-level models for secondary organic aerosol into regional atmospheric models and used chemical-transport models to assess the air quality, health, and climate impacts of energy transition policies. During her PhD, Dr. Bilsback studied solid-fuel cookstove emissions and their impacts on air quality, health, and climate. During this time, she developed a novel laboratory test protocol for solid-fuel cookstoves used to study various aspects of cookstove emissions in two large-scale laboratory campaigns. She also utilized low-cost sensors to quantify the cookstove emissions during several field campaigns in Uganda, India, China, and Honduras.

Education

Doctorate of Philosophy in Mechanical Engineering **2013-2018**
Colorado State University, Fort Collins, CO, USA

Bachelor of Arts in Physics (Minor: Mathematics) **2009-2013**
Boston University, Boston, MA, USA

Technical Experience

Senior Scientist at PSE Healthy Energy **Aug. 2021-Present**
Oakland, CA, USA

- Safety and Health Risks of Oil and Gas Super Emitters: Project lead on research efforts to design and build the scientific basis and the tools to communicates the air quality and safety and health risks associated with methane loss-of-containment events across the oil and gas supply chain.
- Evaluating the Climate and Health Impacts of Energy Sources and Policies: My past and ongoing work has involved quantifying the impacts of energy choices and policies and air quality and human health from a variety of different air pollution sources (e.g., petrochemical facilities, power plants, refineries) using a range of air quality modeling tools.
- Bringing Health and Equity to Utility Planning and Decision Making: Through a variety of projects and work products across multiple states, I have conducted scientific analysis and provided expert scientific opinion, testimony, and comments on best practices for bringing health and equity data and metrics to the integrated resources planning (IRP) process.

Postdoctoral Researcher in Atmospheric Science **2018-2021**
Colorado State University, Fort Collins, CO, USA

- Evaluating the Climate and Health Impacts of International Energy Policy: Configured, utilized, and developed global chemical-transport models (GEOS-Chem, WRF-Chem) to evaluate the air quality, health and climate impacts of international air-pollution-control policies.
- Improving Chemistry and Physics Mechanisms in Air Quality Models: Worked with process-level models for secondary organic aerosol (SOA) that explicitly model the chemistry, thermodynamics, and microphysics of SOA (simpleSOM-MOSAIC).

Graduate Student Researcher in Mechanical Engineering **2013-2018**
Colorado State University, Fort Collins, CO, USA

- Emissions Source Measurements: Characterized the climate and health-relevant properties of smoke from solid-fuel cookstoves using a custom-built portable air pollution sampler during field campaigns. Designed and executed large-scale laboratory-based studies to measure the climate and health relevant properties of smoke emitted by a variety of stove technologies. Developed statistical models and conducted analysis of large datasets resulting from this work.

Refereed Publications

h-index: 12, i-index: 13

23. DiGiulio, D. C., Rossi, R. J., Lebel, E. D., **Bilsback, K. R.**, Michanowicz, D. R., & Shonkoff, S. B. (2023). Chemical Characterization of Natural Gas Leaking from Abandoned Oil and Gas Wells in Western Pennsylvania. *ACS Omega*. https://pubs.acs.org/doi/full/10.1021/acsomega.3c00676

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*Full publication list with full-text download options here

Selected Technical Reports & Expert Testimony

Bilsback, K. R. (2023). Public Health Testimony on DTE's Integrated Resource Plan. View.

Makhijani, A., Kinkhabwala. Y, J. Jaeger, **Bilsback, K. R.**, Hill, L.L, Peltier. L, Lukanov. B, Krieger, E.M. (2023). Energy Affordability in Maryland: Integrating Public Health, Equity, and Climate. *PSE Healthy Energy and IEER*. View.

Bilsback, K. R. (2021). Public Health Testimony and Rebuttal Testimony on Consumers Energy's Integrated Resource Plan. View.

Bilsback, K. R., Krieger, E., Lukanov, B., Shetty, K., & Smith, A., (2022). Incorporating Health and Equity Metrics into the Minnesota Power 2021 Integrated Resource Plan. *PSE Healthy Energy*. View.

Selected Recent Presentations

Near-Source Safety Health Risks of Oil and Gas Super Emitters. *Air & Waste Management Association: Air Quality Measurements Methods and Technology.* Oral presentation. Nov 14-16, 2023

Study: What does Minnesota Power's long-range plan mean for equity and public health? Webinar. May 19, 2022. View.

A Process-Level 3D Atmospheric Model for Secondary Organic Aerosol: Model Development and Applications to the GoAmazon Field Campaign. *American Geophysical Union*. Poster presentation. Dec 13-17, 2021

Vapors are Lost to the Walls, Not the Particles on the Wall: Development of Artifact-Corrected Parameters and Implications for Global Secondary Organic Aerosol. *American Geophysical Union*. Oral presentation. Dec 13-17, 2021

A Computationally Efficient Process-Level Model for Secondary Organic Aerosol: Model Development and Applications to Laboratory and Field Experiments Poster presentation. *Atmospheric Radiation Measurement/Atmospheric System Research Meeting*. Virtual. June 21-24, 2021

Cookstove Emissions, Climate, & Health Impacts: Integrated Lab, Field, & Modeling Study. Webinar presentation for Advancing Sustainable Household Energy Solutions. Jan 14, 2021. View

Estimated aerosol radiative and health effects of the residential coal ban in the Beijing-Tianjin-Hebei region of China. Oral presentation. *American Geophysical Union*. San Francisco, CA. Dec 9-13, 2019

Coupling laboratory and field measurements to estimate air pollutant emissions from cookstoves. Platform presentation. *American Association for Aerosol Research*. Portland, OR. Oct 14-18, 2019

Harmonizing atmospheric models and measurements from the laboratory and the field: An example using solid-fuel use. Oral presentation. *Frontiers of Atmospheric Science and Chemistry: Integration of Novel Applications and Technological Endeavors*. Boulder, CO. Sept 9-11, 2019

Fellowships And Leadership Experience

Environmental Health Scholar, Hearst Foundations and The Conversation US **2020-2021**

President, CSU Chapter of the American Association of Aerosol Research **2018-2021**

Sustainability Fellow, School of Global Environmental Sustainability **2019-2020**

Organizer, State of the Science: Looking to 2030 and Beyond **2020**

Mentor, Promoting Geoscience Research Education & Success **2019-2020**

15th Atmospheric Chemistry Colloquium for Emerging Senior Scientists **2019**

Selected Teaching Experience

Graduate Teaching Fellowship, Introduction to Mechanical Engineering **2017-2018**

Graduate Teaching Assistant, Mechanics & Thermodynamics of Flow Processes **2017**

Exhibit B

VIA ELECTRONIC SUBMISSION

February 14, 2022

Mr. Eric Jolliffe, Environmental Planner
U.S. Army Corps of Engineers
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102
OaklandHarborTurningBasinsStudy@usace.army.mil

RE: Comments on Oakland Harbor Turning Basins Widening Navigation Study; Draft Integrated Feasibility Report and Environmental Assessment

Mr. Jolliffe:

West Oakland Environmental Indicators Project ("WOEIP"), Earthjustice, Sierra Club, Union of Concerned Scientists, and Center for Biological Diversity submit this letter to comment on the U.S. Army Corps of Engineers' issuance on December 17, 2021 of a Draft Integrated Feasibility Report and Environmental Assessment ("Draft Report") for the widening of the Oakland Harbor Turning Basins (the "Project"). The Port of Oakland (the "Port") is the non-federal sponsor of the project and will be a 50% cost-share partner together with the Army Corps for the Project.

EJC-110

The undersigned organizations have serious concerns about the Army Corps' failure to comply with the National Environmental Policy Act ("NEPA") and the Clean Water Act ("CWA") in issuing the Draft Report. The Army Corps has mischaracterized activities that could facilitate a major expansion at the Port as a mere construction project, which creates errors and omissions of analysis that pervade the entire Report.

By exploring only the hyper-local impacts of construction, the Draft Report fails to adequately analyze the potential environmental justice impacts that expanded freight throughput could have on the local community, which is already disproportionately impacted by pollution and heavy industrial activity. The Draft Report also fails to analyze the operational impacts that an expansion of the Turning Basins could have on air quality, climate change and greenhouse gas emissions, water quality, and impacts to local species and marine mammals—instead dismissing all of these impacts as insignificant in an unsupported Finding of No Significant Impact ("FONSI"). Furthermore, the Draft Report fails to clearly identify the need for the Project at this time, and fails to propose meaningful mitigation measures or reasonable alternatives to the Project. It also inexplicably segments out NEPA compliance from a forthcoming CEQA process that the Port will lead, thereby depriving members of the public of the opportunity to provide meaningful and informed comments. The Draft Report also fails to comply with the Clean Water Act. We request that the Army Corps address the significant flaws and omissions within the Draft Report, as described in detail below. EJC-110

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I. The Draft Report Fails to Comply with the National Environmental Policy Act

The Draft Report contains significant flaws and omissions, and fails to comply with NEPA. The central flaw in the Draft Report is the Corps' unsubstantiated conclusion that the environmental impacts of the Project will be exclusively generated by construction activity.

This Project is much larger than a mere construction project: it will remove nearly 2 million cubic yards of dredged and excavated material over 2.5 years, enable dramatically larger vessels to call on the Port of Oakland with greater frequency, and could fuel a major growth in cargo volume, which would produce concomitant increases in truck traffic, marine vessel traffic, and other significant impacts on the environment and the local community.

The last time the Port and the Army Corps seriously evaluated the environmental impacts of expanding the Oakland Harbor Turning Basins ("Turning Basins") was in 1998.[1] At that time, the Port and the Corps anticipated that the largest deep draft vessel expected to be using the Basins—called a "design vessel"—was a container ship 1,138 feet in length, with a capacity to carry 6,500 shipping containers known as twenty-foot equivalent units ("TEUs").[2]

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Today, the Corps anticipates a design vessel "with nearly triple the capacity of the original design vessel," with a length of 1,310 feet and capacity to carry 19,000 TEUs.[3] If vessels of this new size are to be calling on the Port more frequently, as the Draft Report predicts,[4] then the Port will have the ability to dramatically expand its cargo throughput capacity.

But the Corps never analyzed in the Draft Report whether that reasonably foreseeable outcome—namely, expanding cargo throughput capacity—would occur at all.[5] Instead, the Corps categorized the expansion of the Turning Basins in this Report as a mere construction project with only local impacts, and it improperly elected to

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[1] Port of Oakland & U.S. Army Corps of Engineers, "Oakland Harbor Navigation Improvement (-50 Foot) Project, Final Feasibility Study" (May 1998).

[2] *Id.* at 5-4 to 5-15.

[3] See Draft Report, pp. ii-iii.

[4] See Draft Report, p. 100.

[5] See Draft Report, p. 130 ("[O]perational effects associated with freight volumes . . . are not discussed further in this analysis.").

produce an Environmental Assessment ("EA") and a FONSI instead of a full Environmental Impact Statement ("EIS"). The Corps' Draft Report fails to adequately analyze the potential for significant impacts that this Project may produce. Furthermore, the Corps' FONSI is arbitrary and capricious for relying on an inadequate EA.

NEPA requires federal agencies to prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment."[6] In other words, "[a]n EIS must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor. To trigger this requirement, a plaintiff need not show that significant effects will in fact occur, but raising substantial questions whether a project may have a significant effect is sufficient."[7]

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When a court reviews an agency's decision to issue a FONSI, and thus not to prepare an EIS, "the arbitrary and capricious standard under the [Administrative Procedure Act] requires a court 'to determine whether the agency has taken a "hard look" at the consequences of its actions, based [its decision] on a consideration of the relevant factors,' and provided a 'convincing statement of reasons to explain why a project's impacts are insignificant.'"[8]

As described below, this Project will significantly affect the human environment in communities near the Port, and the Army Corps failed to take a hard look at the consequences of expanding the Turning Basins. The undersigned organizations urge the Corps to withdraw its deficient EA and unsupported FONSI, and instead prepare a full EIS that provides adequate opportunity for public comment.

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[6] 42 U.S.C. § 4332(C).

[7] *Montana Envtl. Info. Ctr. v. U.S. Office of Surface Mining*, 274 F. Supp. 3d 1074, 1099 (D. Mont. 2017), *amended in part, adhered to in part*, 2017 WL 5047901 (D. Mont. 2017) (citing *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 402 F.3d 846, 864–65 (9th Cir. 2005)).

[8] *Montana Envtl. Info. Ctr.*, 274 F. Supp. 3d at 1099 (citing *Barnes v. U.S. Dept. of Transp.*, 655 F.3d 1124, 1132 (9th Cir. 2011)).

A. ***The Scope of the Project Is Too Narrowly Defined***

The Draft Report is misleading because it defines the scope of the Project far too narrowly as a construction activity, rather than a project that has the potential to dramatically expand Port cargo capacity. NEPA requires that an agency must provide a complete and accurate description of a proposed federal action.[9] Here, the Corps and the Port have limited the scope of the Project to the dredging and construction activities themselves, ignoring the significant impacts that could be a predictable outgrowth from completion of the Project.

Rather than acknowledge that widening the Turning Basins could foreseeably induce increased cargo volume and fuel the ongoing expansion of the Port's import and export activity, the Draft Report makes two invalid assumptions: (1) that dredging and construction activity will be the primary sources of environmental impact, and (2) that the Project will not have any effect on expansion of cargo volume throughput at the Port. The Draft Report fails to substantiate or analyze either of these assumptions.[10] Based on these flawed assumptions, the Draft Report analyzes the physical boundaries of environmental impacts within no more than a one-mile radius extending from the center of each of the two circular Turning Basins.[11] EJC-110

The Project's defined scope in the Draft Report is inappropriate because it ignores the reasonably foreseeable possibility that the widening of the Turning Basins could fuel an increase in vessel traffic by larger ships, resulting in increased cargo volume shipping activity to and from the Port, and therefore affecting an area well beyond the immediate radius of the Basins themselves. The Draft Report assumes that callings by larger ships would result in "operational efficiency gains" as well as "greenhouse gas emissions reductions,"[12] and also that bringing larger ships would

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[9] *See, e.g., Aberdeen & Rockfish R.R. Co. v. Students Challenging Regulatory Agency Procedures*, 422 U.S. 289, 322 (1975) ("In order to decide what kind of an environmental impact statement need be prepared, it is necessary first to describe accurately the 'federal action' being taken.").

[10] See, e.g., Draft Report, p. 130.

[11] See Draft Report, pp. 24-26; see also p. 130 ("The potential for *construction activities* to result in adverse environmental justice impacts depends on the geographic relationship of the construction impacts to the environmental justice communities of concern.") (emphasis added); see pp. 84-85 (analyzing air quality impacts only within 2,000 feet of the Turning Basin boundaries rather than throughout the West Oakland community).

[12] Draft Report, p. 125.

"increase the efficiency of operations" and "would not change cargo throughput" at the Port.[13] But the Corps failed to adequately analyze or support any of those assumptions.

The Army Corps should redefine the scope of the Project and produce a full EIS that analyzes all of the potentially significant impacts that could flow from widening of the Turning Basins, including the possibility of an increase in cargo handling volume at the Port, as further described in Section I.B.1 below.

B. ***The Draft Report Fails to Adequately Analyze Numerous Significant and Cumulative Impacts of the Project***

NEPA requires that agencies take a "hard look" at the environmental impacts of their actions before the actions occur.[14] "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."[15] The "'hard look' 'must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.'"[16] EJC-110

The Draft Report fails to take a hard look at many direct, indirect, and cumulative impacts of the proposed action to widen the Turning Basins. Analysis of all the reasonably foreseeable impacts is a crucial aspect of an agency's compliance with NEPA before it may pursue any federal action. The Draft Report was prepared under the NEPA guidelines issued by the Council on Environmental Quality ("CEQ") by the Trump Administration in 2020.[17] Although the 2020 CEQ guidelines eliminated the express mandate to consider cumulative impacts, the Biden Administration's CEQ has proposed to restore the requirement for a cumulative impacts analysis as an essential component of NEPA review.[18] Furthermore, even the currently applicable 2020 regulations require agencies to take a hard look at all potential effects of a project that "are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives."[19] The Corps has failed to examine reasonably foreseeable impacts here.

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[13] Draft Report, p. 183.
[14] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).
[15] *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998).
[16] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011).
[17] See Draft Report, p. 1.
[18] 86 Fed. Reg. 55,757 (Oct. 7, 2021).
[19] 40 C.F.R. § 1508.1(g); see 40 C.F.R. § 1501.2(b)(2); see *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 374 (1989).

1. Failure to Disclose or Analyze the Potential for Expanded Freight Activity

The Draft Report fails to adequately analyze whether widening the Turning Basins could reasonably result in increased freight volumes flowing through the Port of Oakland and impacting nearby communities. The Corps is legally required under NEPA to disclose the reasonably foreseeable impacts that could result from accommodating larger ships, to allow for an honest and informed decision-making process.[20] Specifically, NEPA requires agencies to identify their methodologies, indicate when necessary information is incomplete or unavailable, and acknowledge scientific disagreement and data gaps.[21] The Corps' review must be thorough and the agency may not "sweep[] negative evidence under the rug."[22]

Here, the Corps does not deny that widening the Turning Basins will increase the number of ultra-large ships calling at the Port. "Widening the turning basins would allow for more efficient operation of the vessels within the Oakland Harbor and for the ULCVs [ultra-large container vessels] to call the Port of Oakland *more frequently*."[23] EJC-110

But in spite of that admission, the Draft Report intentionally omits any analysis of the "operational effects associated with freight volumes" caused by widening the Turning Basins.[24] The Draft Report states without analysis that "the action alternatives would not change the projected overall volumes of freight that would come into the

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[20] See 40 C.F.R. § 1500.1 (describing purpose of NEPA to "provide for informed decisionmaking" by federal agencies); see also *Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005) (agency violates NEPA by failing to provide "sufficiently detailed statement of environmental impacts and alternatives" for the public "so as to permit informed decisionmaking"); *City of Davis v. Coleman*, 521 F.2d 661, 674 (9th Cir. 1975) (rejecting agency's assertion in NEPA analysis that a freeway improvement project was merely an accessory to "inevitable industrial development").

[21] 40 C.F.R. §§ 1502.21, 1502.23.

[22] *Nat'l Audubon Soc'y v. Dep't of the Navy*, 422 F.3d 174, 194 (4th Cir. 2005).

[23] See Draft Report, p. 100, emphasis added. The Draft Report identifies ULCVs as Post-Panamax Generation III and IV vessels with a capacity between 9,901 and 23,000 TEUs. See Draft Report, p. 14. See also Draft Report, p. 102 (explaining that a decision to forego widening of the Basins would result in *fewer* ultra-large container vessels than would otherwise call at the Port "if the turning basins had been widened"); see also *id.*, p. 94.

[24] Draft Report, p. 130.

Port."[25] It also asserts that the Project "would not change cargo throughput."[26] The Draft Report also assumes without adequate analysis that (1) a transition to larger vessels will result in a reduced number of voyages over time,[27] (2) relying on larger vessels will reduce emissions due to reduced transit time, thereby resulting in environmental benefits,[28] (3) transitioning to larger vessels would produce operational efficiency gains and therefore reduce greenhouse gas emissions,[29] and (4) transitioning to larger vessels would reduce delays and vessel idling.[30] The Corps fails to base those assertions and conclusions on data or reasoned analysis.

The Draft Report lacks analysis about whether widening the Turning Basins might result in "debottlenecking" the Port's cargo throughput, or alternatively even inducing growth in cargo throughput over time. The U.S. Environmental Protection Agency ("EPA") defines "debottlenecking" as "[a] change in production equipment or processes that frees up additional production capacity up or down-stream of the equipment or process."[31] In the context of the Clean Air Act, "[a]ssessing debottlenecking impacts may be important when calculating emission increases ..... "[32] So too here. Under NEPA, the Army Corps should have analyzed whether a bottleneck exists at the Port, such that expanding the Turning Basins would foreseeably free up additional flow-through capacity of cargo at the Port and cause emissions increases from the various emission sources at the Port—including, but not limited to, cargo handling equipment, truck and rail traffic, and the vessels themselves.

EJC-110

Furthermore, the Port failed to consider the alternative scenario that could also cause significant and foreseeable impacts: namely, that expanding the width of the Turning Basins could itself *induce* growth in cargo throughput over time. Failure to analyze a project's probable impact on growth violates NEPA.[33] The Port of Oakland has itself already observed in its 2020 "Emissions Inventory Report" that the trend of visitation by ever-larger ships correlates with a "gradual increase in annual TEU [cargo]

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[25] Draft Report, p. 130.
[26] Draft Report, p. 183.
[27] See Draft Report, pp. 14, 101-02.
[28] Draft Report, p. 94.
[29] Draft Report, p. 125.
[30] Draft Report, p. 183.
[31] Clean Air Act Handbook Appendix B, Glossary (2021).
[32] *Id.*
[33] See, e.g., *City of Davis v. Coleman*, 521 F.2d 661, 680-681 (9th Cir. 1975).

throughput."[34] And existing economic data and emerging research suggest that ports that expand their capacity to receive ultra-large container ships may experience a variety of economic pressures to expand operations, many of which produce adverse environmental impacts. For example, a 2014 report by the Port of Long Beach's acting deputy executive director and chief operating officer concludes: "[T]he trend toward larger vessels will have significant implications for ports that compete to service them as well as for the land side warehouse, trucking and rail operations that must accommodate an increase in volumes."[35] More recently, a 2021 study by Jungen *et al.* discussing the rise of ultra-large container vessels concluded, based on practical observations and empirical studies, that ultra-large container vessels experience "significantly longer port stay times" compared to smaller vessels, which in turn puts "enormous pressure on terminal operators to increase handling efficiency."[36] One way operators may handle such pressure is by increasing reliance on cargo handling equipment, and in particular, by increasing "crane intensity": the number of cranes deployed per calling vessel.[37] That research has already borne out in Florida, where Port Miami reportedly "raced" to replace its crane equipment to be ready to handle an influx in ultra-large "post-Panamax" vessels alongside a planned dredging project that would deepen its shipping canal.[38] Thus, existing research shows it is reasonably foreseeable that callings by ultra-large container ships could increase pressures on local Port-side infrastructure.

EJC-110

Further, callings by ultra-large container ships also increase traffic flow to and through ports and nearby communities. The Port of Oakland found in its 2020 Emissions Inventory Report that even a "minimal (1.7%) increase in TEU throughput"

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[34] "Port of Oakland 2020 Seaport Air Emissions Inventory Final Report" (Nov. 2021) at p. 24, https://www.portofoakland.com/files/PDF/Port%20Oakland%202020%20Emissions%20Inventory%20Final%20Report.pdf.

[35] Dr. Noel Hacegaba, "Big Ships, Big Challenges: The Impact of Mega Container Vessels on U.S. Port Authorities" (June 30, 2014), https://www.supplychainbrain.com/ext/resources/secure_download/KellysFiles/WhitePapersAndBenchMarkReports/PortofLongBeach/Hacegaba_PPM_PAPER_7_30_14.pdf.

[36] Hendrik Jungen, et al., "The Rise of Ultra Large Container Vessels: Implications for Seaport Systems and Environmental Considerations," *Dynamics in Logistics* 249-275 (2021) at pp. 258-59, https://link.springer.com/chapter/10.1007/978-3-030-88662-2_12.

[37] *Id.*

[38] "PortMiami Upgrades Cranes in Race for Giant Cargo Ships," *ColumbusCEO* (Oct. 7, 2013), https://www.columbusceo.com/story/business/2013/10/07/portmiami-upgrades-cranes-in-race/22907038007/.

between 2017 and 2020 produced a "roughly 30% increase in reported truck activity (i.e., trips)."[39] Complementing that finding, the Jungen *et al.* study described in the previous paragraph found a relationship between the number of containers handled per port call (also known as "call size") and coastal road traffic, apparently by trucks transporting the cargo flowing to and from the ultra-large vessels calling on local ports.[40] "Especially ports with a high modal share of road transportation show increased gate congestion in relation to arrivals of larger vessels."[41] In other words, as the number of containers per vessel goes up, so too does the local truck traffic. These data are further corroborated by a recent short paper issued by the California Air Resources Board on the emissions impacts of recent congestion at California ports, which noted the strong correlation between increases in cargo imports, traffic congestion at ports, and resulting regional air pollution.[42]

Thus, it is reasonably foreseeable that widening the Turning Basins could expand cargo throughput and cause temporal spikes in cargo handling and traffic flow to and through the local community when such vessels call on the Port, with resulting environmental impacts. And if ultra-large vessels call on the Port more frequently as a result of the expansion of the Turning Basins, it also stands to reason that there could be a commensurate increase in cargo throughput flowing through the Port of Oakland. After all, the expansion of the Turning Basins will enable container ships—up to *three times* larger in terms of capacity than the vessel size the Corps studied in 1998—to call at the Port more frequently, by the Corps' own assessment. The Corps failed to analyze the potential for expansion of Port operations at any length in the Draft Report, and in fact explicitly disavowed its responsibility to do so.[43] The Corps' omission of that analysis represents a failure to comply with NEPA. EJC-110

The Corps' Draft Report also makes internally inconsistent assumptions regarding forecasted growth in cargo throughput at the Port. For example, the Draft Report concludes that a 2.1% average annual increase in TEU volumes is "expected to persist" through 2050,[44] even though data in the Draft Report from the last decade (2010

[39] *Id.* at 64; see *id.* at p. 84.

[40] Hendrik Jungen, et al. (2021) at pp. 258-60.

[41] *Id.* at p. 261.

[42] See Cal. Air Resources Board ("CARB"), "Emissions Impacts of Recent Congestion at California Ports" (Sept. 13, 2021), https://ww2.arb.ca.gov/sites/default/files/2021-09/port_congestion_anchorage_locomotives_truck_emissions_final_%28002%29.pdf.

[43] See Draft Report, p. 130.

[44] See Draft Report, pp. 95, 101.

to 2020) shows almost no growth in imports and exports at the Port.[45] The Corps' conclusion that growth is inevitable conflicts with the data the Port provided. Meanwhile, separate analysis conducted by the Port indicates that it anticipates a much larger rise in growth of between 2.4 to 3.0% in the coming years.[46] The Corps failed to reconcile these inconsistencies in growth projections and increases in cargo volume, and simultaneously ignored the reasonably foreseeable ways in which this Project could induce future growth at the Port, as described above.

Furthermore, the Army Corps failed to consider whether the potential changes to Howard Terminal might affect the Port's operations. The Draft Report notes that widening the Turning Basins would result in the loss of 10 acres of fast land from the 50-acre Howard Terminal site.[47] The Army Corps did not discuss whether the loss of 20% of that site's land (which the Port presently uses for truck parking and container vessel storage) could impact the Port's ability to handle bottlenecks or additional cargo from the ultra-large vessels that would be visiting more frequently after the widening of the Turning Basins. It also failed to contextualize potential changes to the Howard Terminal site in relation to potential plans to construct a ballpark on that site, and to discuss whether removing land from the Howard Terminal site to facilitate expansion of the Turning Basins would affect the ongoing CEQA process for the potential ballpark. The Army Corps' failure to analyze the Project in the context of present and future uses of Port property violates NEPA. EJC-110

In sum, the Army Corps should have studied the degree to which the expansion of the Turning Basins will further expand the Port's capacity to bring in bigger ships and process more cargo, and it also should have performed a more thorough analysis of forecasted growth in cargo volume at the Port. At worst, the Project could foreseeably result in an expansion of operational activity in a socioeconomically disadvantaged region that is already disproportionately burdened by pollution and traffic. Such an expansion could foreseeably facilitate more callings by larger ships that carry more cargo and will take longer to unload, spending more time at the Port, and require more

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[45] See Draft Report, Appendix C, pp. 50-51.

[46] See, e.g., Starcrest Consulting Group LLC, Technical Memorandum MAQIP Update – Emissions Forecast and Potential Additional Reduction Strategies (hereinafter "MAQIP Update") (July 2018) at p. 4, https://www.portofoakland.com/files/PDF/WV%20FINAL%20POAK%20Task%20V%20Technical%20Memo%20(13%20July%2018)scg.pdf.

[47] Draft Report, p. 18.

cargo handling equipment, rail, and truck visits to handle larger cargo loads.[48] The Army Corps failed to analyze or disclose these reasonably foreseeable outcomes in the Draft Report. The Corps must commit to developing a full EIS that adequately analyzes the impacts of expanded operations, in place of the flawed Environmental Assessment and arbitrary FONSI it has offered here.

2. Failure to Analyze Environmental Justice Impacts to Communities Near the Port

Environmental justice communities that surround the Port of Oakland will be burdened by the Project. In particular, the adjacent community of West Oakland experiences disproportionate environmental and public health harms and risks due to proximity to the Port. Pollution from trucks, trains, and ships associated with the Port continuously bombards residents from all sides. In fact, residents have a higher exposure to diesel particulate matter than over 90% of Californians.[49] They are also 99% more likely to have asthma and 96% more likely to be born with low birth weight compared to other people in the state.[50] Despite acknowledging the presence of these environmental justice communities near the Project area, the Army Corps fails to adequately address potential impacts to these communities. The Draft Report's conclusion that the Project will have no significant environmental justice impacts is therefore arbitrary and capricious. EJC-110

According to the U.S. Environmental Protection Agency (EPA), environmental justice requires "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies."[51] Executive Order 12898 directs each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its

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[48] See generally CARB, "Emissions Impacts of Recent Congestion at California Ports," *supra*.

[49] Cal. Environmental Protection Agency (CalEPA), Office of Environmental Health Hazard Assessment (OEHHA), *California Communities Environmental Health Screening Tool* (hereinafter "CalEnviroScreen 4.0"), https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40 (accessed Feb. 1, 2022).

[50] *Id.*

[51] U.S. Environmental Protection Agency (EPA), *Learn About Environmental Justice* (2021), https://www.epa.gov/environmentaljustice/learn-about-environmental-justice (accessed Feb. 1, 2022).

programs, policies, and activities on minority populations and low-income populations . . . ."[52] The "identification of a disproportionately high and adverse human health or environmental effect on a low-income population [or] minority population.....should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population."[53]

Therefore, under NEPA, agencies conducting environmental review for a proposed project "must not only disclose . . . that certain communities and localities are at greater risk, but must also fully assess these risks."[54] The agency "cannot discount the localized impacts to people for whom the public health impacts are of clear significance."[55] To satisfy this "hard look" standard, the Army Corps must fully assess the public health and other impacts of the Project, including grappling with the substantial evidence suggesting that expanding the Port's Turning Basins could cause major increases in freight activity that will in turn severely affect nearby vulnerable and overburdened communities. EJC-110

West Oakland is one of the most significant environmental justice communities in California. Residents are surrounded by freeways and sprawling freight complexes that spill into the community from the Port, its railyards, and the Oakland Army Base. West Oakland is bounded by Interstate 880 to the south and west, Interstates 80 and 580 to the north, and Interstate 980 to the east. The Port of Oakland and its associated railyards lie to the south and west.[56] The community thus grapples with the presence of many different and dangerous pollution sources. The number and type of cleanup sites is higher than 99% of the census tracts in California, higher than 99% for groundwater threats, and higher than 93% for hazardous waste generators and sites.[57] Taking the requisite hard look at all significant environmental justice impacts inherently requires

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[52] Exec. Order No. 12898, 59 C.F.R. § 32 (1994).

[53] Council on Environmental Quality, *Environmental Justice: Guidance Under the National Environmental Policy Act* (Dec. 10, 1997) at p. 10, https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf.

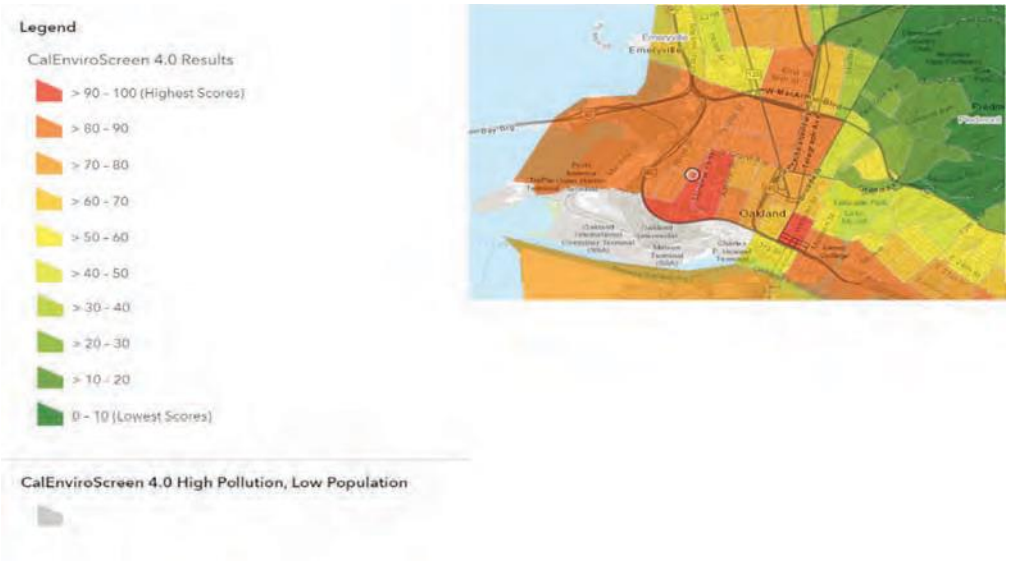
[54] *California v. Bernhardt*, 472 F. Supp. 3d 573, 620 (N.D. Cal. 2020).

[55] *Id.* at 622.

[56] Bay Area Air Quality Management District (BAAQMD) & WOEIP, *Owning Our Air: The West Oakland Community Action Plan*, Vol. 1 (Oct. 2019) at p. 2-1, https://www.baaqmd.gov/~/media/files/ab617-community-health/west-oakland/100219-files/final-plan-vol-1-100219-pdf.pdf?la=en.

[57] CalEnviroScreen 4.0, *supra.*

an analysis of these types of cumulative impacts. Communities such as West Oakland are designated as environmental justice communities precisely because of the cumulative nature of the impacts they endure. Cumulative impacts are a particular concern for West Oakland because residents are already overburdened by environmental pollution and other stressors and therefore are especially susceptible to adverse health consequences stemming from projects such as this one.



EJC-110

Indeed, West Oakland is one of the most pollution-burdened areas of the state, with elevated levels of diesel particulate matter (diesel PM), fine particulate matter ($PM_{2.5}$), and toxic air contaminants (TACs). The community is ranked in the 80–90th percentile for pollution burden in California.[58] EPA's EJSCREEN tool ranks West Oakland in the 57th percentile for $PM_{2.5}$ exposure in the state and in the 94th percentile nationally.[59] West Oakland is in the 97th percentile for diesel PM exposure in the state and in the 95th percentile nationally.[60] Residents also face some of the highest elevated cancer risks, with EJSCREEN ranking the community in the 56th percentile for cancer risk in the state and in the 78th percentile nationally.[61]

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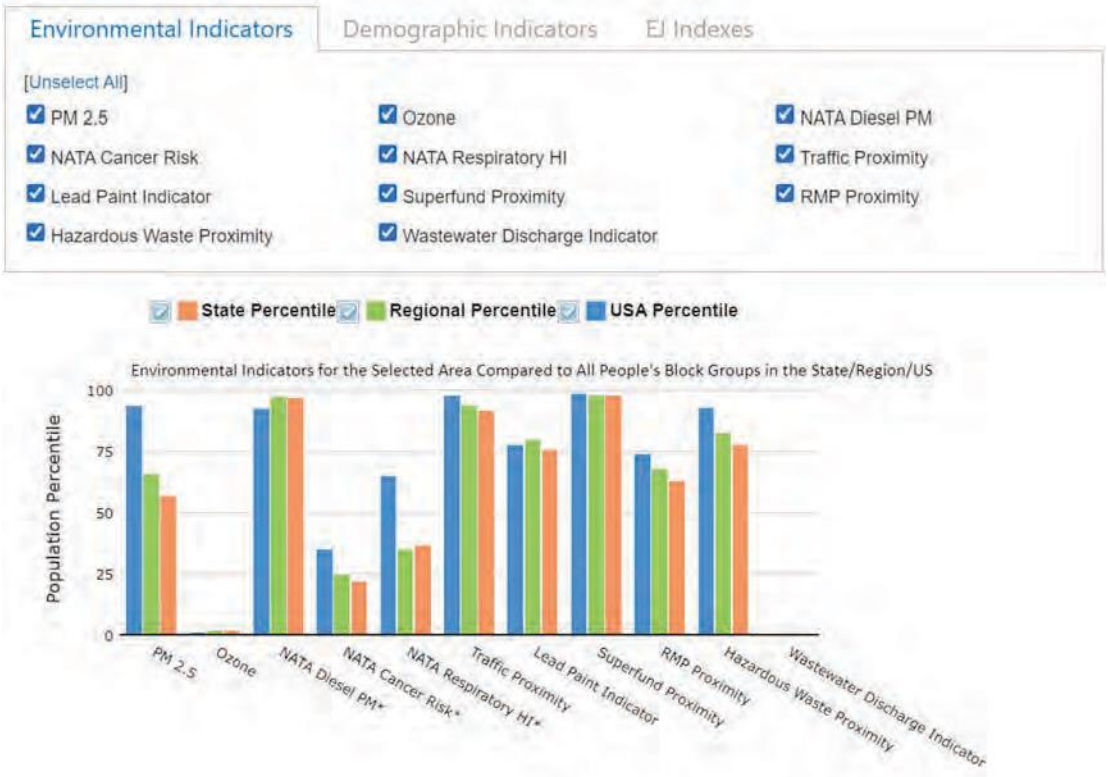
[58] *Id.*

[59] U.S. EPA, *EJSCREEN*, https://ejscreen.epa.gov/mapper/ (accessed Feb. 2, 2022).

[60] *Id.*

[61] *Id.*



EJC-110

As a result, West Oakland residents experience higher rates of death from cancer as well as heart disease and strokes, and higher rates of asthma emergency visits and hospitalizations compared to the rest of Alameda County.[62] Asthma hospitalizations for West Oakland are about 88% higher than the County average and heart disease deaths are 33% higher.[63] Half of new childhood asthma cases in West Oakland are due to traffic-related air pollution, compared to about 20% of new childhood asthma cases in the nearby affluent and mostly white Oakland Hills neighborhood.[64] Residents also have the lowest life expectancies among the rest of their neighbors in Alameda County.[65] These injustices are compounded by the fact that West Oakland remains primarily a community of color. Approximately 42% of residents are Black (compared to 6% of all Bay Area residents), 18% identify as Latino, and 11% are Asian.[66] About half of the population lives below the Bay Area poverty level (two times the federal

[62] *Owning Our Air: The West Oakland Community Action Plan*, *supra*, at p. 2-9.

[63] *Id.*

[64] Environmental Defense Fund, *Air Pollution's Unequal Impacts in the Bay Area* (Mar. 31, 2021), https://www.edf.org/airqualitymaps/oakland/health-disparities.

[65] *Owning Our Air: The West Oakland Community Action Plan*, *supra*, at pp. 2-7 to 2-9.

[66] *Id.* at p. 2-6.

poverty level), compared to 25% in Alameda County and 23% in the Bay Area as a whole.[67]

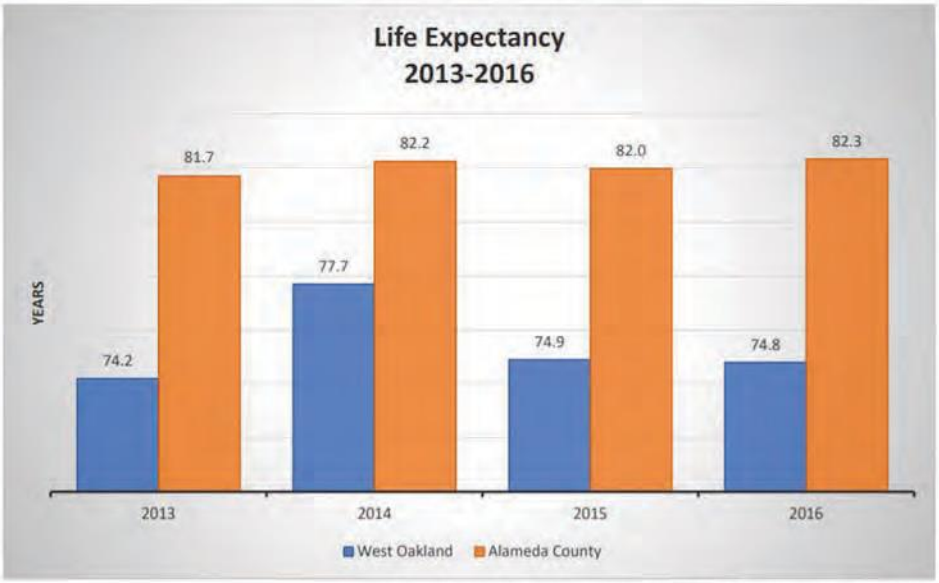


Figure 2-9. Life Expectancy at Birth for West Oakland and Alameda County

EJC-110

Freight activity from the Port already accounts for the lion's share of diesel PM and $PM_{2.5}$ emissions and cancer risk posed by TACs in West Oakland. The Port is responsible for 57% of diesel PM emissions in tons per year (tpy), nearly 20% of $PM_{2.5}$ emissions tpy, and 52% of cancer risk-weighted toxics.[68] Ocean-going vessels and harbor craft are a significant source of emissions from the Port, producing 12 tpy of diesel PM and nearly 16 tpy of $PM_{2.5}$.[69] Cargo handling equipment produces another 2 tpy each of diesel PM and $PM_{2.5}$.[70] The top local contributors to both diesel PM and cancer risk are heavy-duty diesel trucks (about 40%), marine vessels (about 30%), and rail (about 20%).[71] Diesel PM is responsible for over 90% of the cancer risk from local air pollution in West Oakland.[72] Even without accounting for the expanded cargo throughput activity that could result from this Project, the volume of goods moved by

[67] *Id.*
[68] *Id.* at p. 5-9.
[69] *Id.* at p. 5-7.
[70] *Id.*
[71] *Id.* at p. 5-12.
[72] *Id.* at p. 5-14.

the Port on all modes of transit is projected to increase over time, acutely compounding the pollution burden on West Oakland residents.[73]

West Oakland's community characteristics and existing environmental burdens therefore warrant careful consideration of potential "disproportionately high and adverse human health or environmental effects" associated with this Project and any increased freight activity it causes.[74] The Army Corps, however, fails to provide this careful consideration. The Draft Report instead improperly narrows its analysis to "the racial and income characteristics for census tract (CT) within or significantly intersecting both a 0.5-mile and 1-mile radius" of each of the Turning Basins.[75] This small analysis area—further limited to construction impacts alone—not only fails to capture how the Port's increased operations from the Project could foreseeably spill out into the region, but also, incredibly, leaves out most of the directly adjacent 6.5-square-mile neighborhood of West Oakland.

EJC-110

Similarly, the Corps claims the Port conducted a health risk assessment (HRA) for the Project, but the Draft Report and appendices do not include clear references for the public to review and comment on it. The brief discussion in Appendix A-4 discussing criteria pollutant emissions during construction within the small geographic analysis areas is too limited to properly constitute an HRA.[76] There is no discussion of potential local risks and hazards from increases in diesel PM, $PM_{2.5}$, and TAC emissions from either the construction or operations impacts of the Project. The analysis fails entirely to analyze local risks and hazards in the context of nearby environmental justice communities like West Oakland and others in the region that may be impacted by the Project. Finally, the HRA fails to analyze the cumulative impacts from this Project in the context of the existing environmental pollution and threats that already overburden surrounding communities. The HRA therefore lacks the requisite level of information and is so narrow as to be meaningless in assessing health and safety risks. The Corps must complete a full EIS and an HRA that analyze the construction *and* operations impacts of the Project in the whole region.

Local transportation emissions from Port-related sources represent by far the largest share of criteria air pollutant and greenhouse gas emissions in West Oakland

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[73] See, e.g., MAQIP Update, *supra*, at p. 4 (indicating TEU growth rates between 2.4% to 3.0% in the coming years).
[74] Exec. Order No. 12898, 59 C.F.R. § 32 (1994).
[75] Draft Report, p. 24.
[76] Draft Report, pp. 126, 134.

and surrounding communities, primarily from drayage trucks, cargo handling equipment, ships and harbor craft, and trains traveling through the railyards located at the Port. The Army Corps must therefore take a hard look at whether the thousands of additional construction-related truck trips as well as dramatically larger ships and associated increase in cargo throughput will further contribute to the air pollution and climate crises and their attendant public health and safety impacts in the region.

In addition, the Corps must assess whether this Project conflicts with federal, statewide, and local policies and plans to reduce air pollution and greenhouse gas emissions and protect vulnerable communities in California. Under NEPA, an agency must include discussion of "[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, Tribal, and local land use plans, policies and controls."[77] The EIS must also "discuss any inconsistency of a proposed action with any approved State, Tribal, or local plan or law."[78]

EJC-110

California has enacted several statutes to protect its disadvantaged communities from air and water pollution and this Project would have a significant adverse impact on the state's ability to meet these goals. For example, California State Assembly Bill (AB) 617 (2017) created a Community Air Protection Program that is focused on reducing exposure in communities most impacted by air pollution, including several near the Port that will be impacted by this Project, such as West Oakland and Richmond.[79] Indeed, West Oakland was selected as a first-year priority community under the program—one of the top ten in the state most impacted by pollution.

WOEIP partnered with the Bay Area Air Quality Management District ("BAAQMD") and California Air Resources Board to develop the West Oakland Community Air Action Plan ("WOCAAP") under AB 617. The WOCAAP implements 89 different strategies to reduce impacts in the community from $PM_{2.5}$, diesel PM, and cancer risk from all toxic air contaminants.[80] The strategies are designed to minimize community exposure to freight activity and, importantly, to transition to a more sustainable and equitable freight system in the region. For example, many of the

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[77] 40 C.F.R. § 1502.16(a)(5).

[78] 40 C.F.R. § 1506.2(d).

[79] Governor Gavin Newsom. (2020). *Executive Order N-79-20*, https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf (accessed July 20, 2021); Cal. Air Resources Board, *Community Air Protection Program Communities*, https://ww2.arb.ca.gov/capp-communities (accessed Feb. 2, 2022).

[80] See generally *Owning Our Air: The West Oakland Community Action Plan*, *supra.*

strategies will require state and local agencies to work together to reduce truck impacts on local streets in West Oakland, limit hours when trucks can operate in the community, and improve truck flow and congestion in the face of increasing visits from large container vessels.[81]

This Project, which will cause thousands of additional truck trips during construction, and could dramatically expand cargo throughput capacity and result in much greater freight activity in and around the Port, conflicts with these emissions reduction strategies and undermines the WOCAAP's goal to establish a sustainable model for freight activity in communities near the Port. The Corps must therefore assess whether this Project will infringe on the state's ability to meet its community protection and emissions reduction goals and discuss measures that will address any conflicts.

EJC-110

Similarly, the Draft Report fails to consider the West Oakland Truck Management Plan ("TMP"), which the City and Port of Oakland adopted in 2019 to reduce the incidence and impacts of trucks driving through and parking in the community.[82] The City and Port are still in the midst of a five-year implementation plan for the TMP, yet the Corps did not analyze whether a huge expansion of truck trips during both the construction and operations phases of this Project could conflict with the goals and implementation of the TMP.

At the federal level, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., prohibits entities receiving federal financial assistance from engaging in activities that subject individuals to discrimination on the basis of race, color, or national origin. Pursuant to Title VI, the U.S. Department of Defense, which is the parent agency of the Army Corps, promulgated regulations prohibiting funding recipients from engaging in discrimination.[83] The Port of Oakland receives significant financial assistance from the Corps, as well as the U.S. Department of Transportation, EPA, and other federal agencies, and is a 50% cost share partner with the Army Corps on this Project.[84] The Department of Defense and the Corps thus have an affirmative obligation to ensure that

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[81] *Id.* at pp. 6-22, 6-26.

[82] City of Oakland & Port of Oakland, "West Oakland Truck Management Plan"(May 2019), https://cao-94612.s3.amazonaws.com/documents/West-Oakland-Truck-Management-Plan-FINAL-APPROVED.pdf.

[83] See 40 C.F.R. §§ 195.1, 195.3.

[84] See, e.g., *2021 Port Infrastructure Development Program Grant Awards*, U.S. Department of Transportation, Maritime Administration, https://bit.ly/3LuFuDQ.

the Port complies with Title VI and the Defense Department's implementing regulations.

The Port and the Corps fail to satisfy their Title VI obligations for this Project. The Draft Report fails to evaluate whether the Project will disproportionately subject the communities of color that surround the Port to additional air pollution and other serious health threats on the basis of their race. In fact, the Draft Report fails to provide *any* discussion of compliance with Title VI, instead referring to Title VI in one short sentence.[85] We find this especially troubling because the President and other federal agencies have made environmental justice a top priority for the new administration. The President's Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," issued in January 2021, states:

> To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.[86]

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The Corps must therefore hold the Port accountable in its environmental review of this Project. Not only does the Draft Report fail to meaningfully address Title VI, however, it also fails to even mention WOEIP's 2017 Title VI complaint against the Port, which WOEIP filed after the Port continuously authorized freight expansion activities exactly like this Project. The complaint resulted in a Title VI settlement that ultimately imposed public engagement and substantive decisionmaking requirements on the Port

[85] Draft Report, p. 22.

[86] Executive Order (EO) 14008 (Jan. 27, 2021), § 219.

by the Department of Transportation and EPA to ensure Title VI-compliant processes at the Port going forward.[87]

The Port and Corps must ensure this Project complies with these requirements and properly analyze any disproportionate impacts on the surrounding community. The analysis must include appropriately tailored, updated mitigation measures that address the harmful externalities of expanded industrial and freight activities resulting from this Project. The Corps must also commit to a meaningful, continuous process for receiving and incorporating input from the West Oakland community—not one where the Corps and Port simply tell the community about its plans and decisionmaking after the fact. If the Army Corps and Port cannot ensure compliance with Title VI or the mitigation measures cannot appropriately address all impacts on surrounding communities, the Corps cannot move forward with the Project.

3. Failure to Consider Operational Air Quality Impacts at the Port

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The Draft Report fails to take the Port's daily operations into account in its analysis of air quality impacts, particularly considering that the proposed Project could not only facilitate ongoing commercial activity at the Port but actually fuel expansion.

In its air quality analysis, the Corps performs a cursory review of the impacts that dredging and construction activities will have on air pollution, based on the Draft Report's underlying assumption that the Project will have only local environmental impacts. Based on that flawed assumption, the Draft Report analyzes the proximity of sensitive receptors—meaning, people who are more sensitive to air pollutants, and the places where they congregate, such as daycares, parks, apartment buildings, and nursing homes—within a constrained 2,000-foot radius of each of the two Turning Basins.[88] The Report further constricts its analysis only to the period from 2027 to 2029,

[87] WOEIP's Complaint against the City and Port of Oakland Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Apr. 4, 2017), https://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI_Complaint.pdf; EPA's Resolution of Administrative Complaints (July 26, 2019), https://earthjustice.org/sites/default/files/files/Resolution%20Letter%20and%20IRA%20-%20Paul%20Cort%20-13R%20and%2014R-17-R9%202019-07-26.pdf.

[88] See Draft Report, pp. 84-85 (identifying only the sensitive receptors within 2,000 feet of the Turning Basins).

when the Corps estimates construction will take place.[89] But as throughout the entire Draft Report, the assumption that construction is the *only* source of air pollution dramatically underestimates the potential for impacts to air quality, and renders the entire analysis inadequate.

The Port is already a major contributor to air pollution in Alameda County. As a complex maritime facility with multiple incoming truck routes, interconnected rail yards and rail lines, the Port's daily operations have significant air quality impacts on the 26,000+ residents of the West Oakland community in particular.[90] Heavy-duty trucks, marine vessels, and rail all operate daily in, around, and through the community to enable the steady flow of cargo to and from the Port.[91]

While the Draft Report implies that a conversion to larger ships will decrease the overall number of vessel trips at the Port,[92] the Corps does not provide adequate support for that assumption. In improving operational efficiency, this Project could conceivably induce growth and even increase the cargo throughput *and* vessel visitation simultaneously at the Port.[93] Even if the Project does somehow decrease the overall number of vessel trips, the larger ships that will be accommodated by this Project carry more cargo and will take longer to unload, spending more time in the harbor.[94] The Port could also conceivably require more cargo handling equipment, rail, and truck visits at any given time to handle the influx of larger cargo loads, resulting in higher localized concentrations of pollution to the communities adjacent to the Port, as discussed in Section I.B.1, *supra*.[95] All of these impacts from cargo throughput will have an impact on regional air pollution and the West Oakland community in particular, which cannot afford any additional pollution. The Draft Report fails to analyze those significant impacts. EJC-110

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[89] See Draft Report, p. 183 (analyzing air emissions "based on construction schedule and phasing, proposed construction equipment lists, activity levels, and worker and construction truck trips by phase" from 2027 to 2029).

[90] See generally *Owning Our Air: The West Oakland Community Action Plan*, *supra*.

[91] *Id.* at p. 5-12.

[92] See Draft Report, p. 14.

[93] See Section I.B.1, *supra*.

[94] See "Port of Oakland 2020 Seaport Air Emissions Inventory Final Report," *supra*, at p. 24.

[95] See, e.g., CARB, "Emissions Impacts of Recent Congestion at California Ports," *supra*, at p. 1 (observing that "increased cargo imports are expected to increase the activity of trucks and locomotives moving these containers in/out of the ports").

To provide another specific example, the Draft Report entirely fails to mention or analyze the impact of at-anchor emissions by larger vessels on air emissions. The Port's "Emissions Inventory Report" confirms that ocean-going vessels accounted for more than half of the diesel particulate matter and more than three-quarters of the nitrogen oxide emissions at the Port in 2020.[96] That Report also indicates that the number of hours vessels spent at anchor (awaiting a berth assignment at the Port or their next port of call assignment) increased from 1,505 total hours in 2005 to 6,815 total hours in 2020; the average time at anchor per vessel also increased from 15.2 hours in 2005 to 27.4 hours in 2020.[97] The Corps should have analyzed whether, and to what degree, the increase in anchorage times correlates to the trend of increased callings by larger vessels, which the Port reported in its Emissions Inventory Report.[98] The Corps additionally should have analyzed in the Draft Report the degree to which anchorage times by larger ships (whose visitation will be facilitated by the widening of the Turning Basins) will contribute to the regional air pollution burden. For example, larger ships might foreseeably emit more pollutants per hour while waiting at anchor than smaller ships do—even if there are fewer total ships calling on the Port. The Corps' failure to analyze at-anchor emissions to any degree in the Draft Report violated NEPA. EJC-110

Air pollution is already an urgent health concern in this region. Alameda County has been in marginal nonattainment for the national 8-hour ozone (both the 2008 and the 2015 standards) and moderate non-attainment for the 24-hour $PM_{2.5}$ 2006 standards for multiple years in a row.[99] The movement of goods to and from the Port is a significant source of criteria pollutant emissions (like particulate matter and ozone) that affects the region's nonattainment status, and this Project could reasonably lead to increased freight transportation. The Corps must consider the potential for significant operational impacts to air quality produced by the widening of the Turning Basins, and the Draft Report entirely fails to perform analysis of any operational impacts.[100]

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[96] "Port of Oakland 2020 Seaport Air Emissions Inventory Final Report," *supra*, at p. 78. [97] *Id.* at 25.

[98] See *id.* at 24.

[99] See generally EPA, "California Nonattainment / Maintenance Status for Each County by Year for All Criteria Pollutants," (current through Jan. 31, 2022), https://www3.epa.gov/airquality/greenbook/anayo_ca.html.

[100] See Draft Report, p. 130.

The Draft Report also errs by characterizing the increased exposure to ozone and particulate matter as "de minimis" exposure.[101] The Corps' "de minimis" characterization for those pollutants is misleading. As described above, the West Oakland community is already disproportionately exposed to pollution from freeways, rail, industrial activity, and heavy car and truck traffic. Even though federal regulations currently specify "de minimis" levels for ozone and $PM_{2.5}$ at 100 tons per year, any contribution of pollutants must be considered cumulatively alongside all of the other major sources of pollution in the region. The Corps has a responsibility to provide accurate air emissions estimates for this Project, supplement those estimates with details about the calculations and assumptions used to achieve those numbers, and to perform a conformity determination under the Clean Air Act for the aggregated effects of the Project. The Corps did not meet its responsibility to do those things in the Draft Report.

The Corps also failed to consider the possibility that callings by larger vessels could result in increased truck traffic to and through the West Oakland community. Even taking as true the Corps' assumption that larger vessels will equate to a lower number of vessel callings—which remains an unanalyzed assumption that the undersigned organizations strongly question—more truck or rail capacity will be necessary to load or offload the increased cargo capacity available on each larger ship that calls on the Port of Oakland.[102] Unless increases in regional truck traffic are limited exclusively to zero-emissions vehicles, then any increase in truck traffic will inevitably increase the air pollution burden on the West Oakland community. The Corps failed to analyze this possibility in any depth in the Draft Report. EJC-110

The Corps' decision to proceed without analyzing the possibility of an increase in transport truck traffic also ignores regional efforts to reduce the impacts generated by truck congestion. The Port of Oakland finalized a Truck Management Plan for West Oakland in 2019 after considering substantial public input from members of the residential and business communities.[103] Among the issues the Truck Management Plan aims to address are (1) safety for pedestrians and bikers whose routes are regularly criss-crossed by commercial trucks, (2) truck traffic flow and congestion in residential neighborhoods, and (3) idling and parking in illegal spaces not intended for commercial trucks. All of these issues have an indirect—but important—effect on air quality, because commercial trucks that pass regularly through residential areas expose residents to ongoing pollution caused by combustion of fossil fuels. The Army Corps

[101] Draft Report, pp. 80-81.

[102] See discussion of Jungen *et al.* in Section I.B.1, *supra*.

[103] See generally "West Oakland Truck Management Plan," *supra*.

cites the Truck Management Plan in its list of references but fails to discuss it in any depth whatsoever in the Draft Report. Similarly, the Corps did not consider the mitigation measures in West Oakland's AB 617 plan, which require reductions from truck impacts on local streets and improved truck flow and congestion in the face of increasing visits from large container vessels.[104] The Corps' failure to discuss the implications of truck traffic further contributes to a flawed Draft Report.

In sum, the Draft Report utterly disregards the potential air quality impacts that could result from widening the Turning Basins. The Army Corps should perform a full Environmental Impact Statement rather than relying on the flawed EA and FONSI it has prepared here. In revisiting its analysis of air quality impacts, the Corps should ensure that it coordinates with BAAQMD to identify reasonable mitigation commitments that it could undertake, alone or jointly with the Port, to address the potential impacts to regional air quality. Some of those potential mitigation measures are outlined in more detail in Section I.D, *infra*. EJC-110

4. Failure to Analyze Climate Change and Greenhouse Gas Emissions Impacts

The FONSI issued with the Draft Report inexplicably concludes that climate change will be "unaffected by" the proposed Project.[105] That conclusion is faulty and unsupported by analysis. The Corps must revise its Draft Report to issue a full EIS that analyzes the potentially significant impacts to greenhouse gas emissions (and therefore, climate change) that will be fueled by expansion of the Turning Basins and the resultant potential for concomitant growth in freight volume flowing through the Port, either due to debottlenecking or induced growth, as discussed in Section I.B.1 above.

As a general rule, increased cargo throughput equates with an increase in greenhouse gas emissions. Emissions from the Port and port-related activities are determined by the emissions factor of the various pollution sources, multiplied by the level of activity of those pollution sources. As an emissions inventory completed for the Port of Oakland explains: "Simply stated, if the cargo throughput doubles, this analysis assumes the source category activity will also double."[106] Absent major changes to Port equipment and ocean-going vessel technology that would dramatically alter their emissions factors, any increases in cargo throughput capacity caused by the Project will result in substantial greenhouse gas emission increases. The emissions inventory

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[104] *Owning Our Air: The West Oakland Community Action Plan*, *supra*, at pp. 6-22, 6-26.
[105] Draft Report, Appendix A-10, p. 2.
[106] MAQIP Update, *supra*, at p. 4.

highlights that even under a scenario assuming turnover to lower-emitting technologies, capacity "growth outpaces the emission reductions achieved by control strategies resulting in . . . increases in CO_2 emissions."[107]

This relationship between cargo throughput and greenhouse gas emissions is already apparent at West Coast ports amid the surge in cargo movement in 2021. As the California Air Resources Board ("CARB") notes in its 2022 Draft State Implementation Plan, "[i]ncreased cargo imports and congestion of ocean-going vessels at ports across California, together with the related increased activity of trucks and locomotives moving containers in and out of the ports, has recently led to significant emissions increases."[108] Unless there is a decisive, expansive effort by the Port to ensure that any increased freight activity relies on zero-emissions technologies, the Project will surely increase greenhouse gas emissions and contribute to worsening climate impacts. These impacts mean that the Project will impede progress toward achieving a net-zero emissions economy at the Port of Oakland and across the State—which state and local government agencies committed to in the Port of Oakland's Seaport 2020 and Beyond Plan,[109] the City of Oakland's Equitable Climate Action Plan,[110] and the State of California's goal of achieving carbon neutrality by 2045.[111] Under NEPA, the Corps must now assess whether the Project is consistent with, or instead will infringe upon, the ability of the state, the City of Oakland, and the Port to meet their climate goals.[112] The Corps erred in its Draft Report by failing to analyze these conflicts or the potential for significant impacts on greenhouse gases and climate change. And the Corps' FONSI that finds climate change will be "unaffected by" the Project is arbitrary and capricious due to its reliance on a flawed EA. EJC-110

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[107] *Id.*

[108] CARB, 2022 Draft State Implementation Plan (Jan. 31, 2022) at p. 17, https://ww2.arb.ca.gov/sites/default/files/2022-01/Draft_2022_State_SIP_Strategy.pdf.

[109] Port of Oakland, Seaport Air Quality 2020 and Beyond Plan – the Pathway to Zero Emissions (June 13, 2019), https://www.portofoakland.com/files/PDF/2020%20and%20Beyond%20Plan%20Vol%20I.pdf.

[110] City of Oakland, Oakland 2030 – Equitable Climate Action Plan (July 2020), https://cao-94612.s3.amazonaws.com/documents/Oakland-ECAP-07-24.pdf.

[111] Governor Jerry Brown, Executive Order (EO) B-55-18 to Achieve Carbon Neutrality (Sept. 10, 2018), https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf.

[112] 40 C.F.R. § 1506.2(d).

5. Failure to Analyze Impacts of Dredging on Water Quality

The Draft Report inappropriately fails to analyze the potential for water quality impacts caused by the Project. Specifically, the Report fails to adequately consider the water quality impacts that will result from dredging (and the impacts on species that will result), as well as the risk of contaminant resuspension in the water column and its potential for exacerbation due to climate change. The Draft Report also fails to adequately justify its reliance on work windows to mitigate water quality impacts caused by dredging, as described below.

Dredging

The Corps inappropriately minimizes the significance of sublethal harms to wildlife and fisheries species associated with dredging. The Draft Report describes an anticipated production of more than 1.9 million cubic yards of dredged material while widening the Turning Basins under its preferred alternative.[113] Dredging resuspends sediment and associated organic material, including any contamination within the sediments. This can lead to temporary increases in turbidity and nutrients, reductions in dissolved oxygen, and/or changes in temperature and pH. These water quality impacts can harm fish, benthic animals, and marine mammal foraging. The transit of dredged material can result in spills and the disposal can also resuspend dredged materials. Additionally, resuspension of contaminated sediments accompanying the proposed dredging project poses a substantial risk to marine life in the project vicinity. The Army Corps failed to adequately analyze any of these potential impacts in the Draft Report, instead only characterizing these types of impacts as "insignificant" in its FONSI.[114] EJC-110

Longfin smelt, various salmonids, and green sturgeon are among the fish species the Corps identifies in the region. Dredging can cause fish species to suffer gill damage, body abrasion, reduced reproductive success, reduced visibility, decreased predator avoidance, modified territoriality, altered feeding and homing behavior, and

[113] Draft Report, pp. iv-v.

[114] See Draft Report, Appendix A-10, p. 2.

flight/avoidance response.[115] The cumulative effects of these and other stressors may lead to a host of harms including reduced reproductive output, immunosuppression, and increased mortality. The Corps must discuss expected effects on regional and protected fish populations in more detail.

Three types of marine mammals—the Pacific harbor seal, California sea lion, and harbor porpoise—are known to exist in the vicinity of the Turning Basins, and these species, too, may suffer adverse impacts from dredging.[116] Specifically, increased turbidity and dredging activity have the potential to disturb marine mammal foraging activities. The Corps declares such effects inconsequential because marine mammals "forage over large areas of San Francisco Bay and can avoid areas of temporarily increased turbidity and dredging disturbance."[117] But such relocation of effort is not without cost. The animals must expend energy to relocate, and distribution of prey is not uniform across time and space. Other threats to marine mammals may loom (*e.g.*, ship strikes, predators) in the areas to which they relocate. Marine mammals may also be impacted by the noise of dredging and those impacts may manifest as changes in feeding, breeding, and predator-avoidance behaviors; flight/avoidance behavior; and changes in dive times, migration routes, and swimming speeds. The Corps must conduct a more searching analysis of potential dredging-related impacts to marine mammals. EJC-110

The Corps refers vaguely in the Draft Report to techniques that may be used to limit the adverse effects of dredging, such as using silt curtains, "avoiding spillage," and "increasing cycle times."[118] But the Corps barely discusses these at any length in the Draft Report, and even the section of the Appendix dedicated to the development of avoidance and minimization measures couches these obligations in noncommittal language.[119] Further, the Corps fails to discuss the degree to which the various proposed mitigation techniques will be employed to minimize harms to local aquatic

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[115] Amelia S. Wenger et al., "A Critical Analysis of the Direct Effects of Dredging on Fish," 18 Fish & Fisheries 967 (Sept. 2017), https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12218 ; see also Michael E. Kjelland et al., "A review of the potential effects of suspended sediment on fishes: potential dredging-related physiological, behavioral, and transgenerational implications," 35 Enviro. Systems & Decisions 334 (2015), https://link.springer.com/article/10.1007/s10669-015-9557-2.

[116] Draft Report, p. 43.

[117] Draft Report, pp. 152-53.

[118] Draft Report, p. 139; see Draft Report, Appendix A-7, PDF p. 251.

[119] See Draft Report, Appendix A-7, PDF pp. 250-54.

species. The Corps must revisit its analysis of the harms to local species associated with dredging, and provide more explicit instructions regarding any required mitigation for dredging-related impacts.

Moreover, the Corps must consider the impacts from maintaining the depth of the Turning Basins. While maintenance dredging of these channels is already an ongoing activity, maintenance of the Basins will necessarily change as a result of the widening project envisioned here. The Draft Report fails to analyze the impacts from continuing to conduct maintenance dredging. Maintenance of the proposed depth is part of this Project and must be evaluated in a full EIS.

Contaminant Resuspension, and its Exacerbation by Climate Change

The Army Corps also failed to adequately analyze the risks from resuspension of contaminants into the water column, and the possibility that such contamination could be exacerbated by climate change. The resuspension of contaminated sediments accompanying the proposed dredging project poses a substantial risk to marine life in the project vicinity. Such resuspension poses a threat in particular to marine mammals, which—due to high levels of body fat—tend to bioaccumulate lipophilic contaminants.[120] EJC-110

Benthic sediments like those underlying the greater San Francisco Bay area act as a sink for anthropogenic contaminants including heavy metals (e.g., copper, lead, cadmium and zinc), polycyclic aromatic hydrocarbons ("PAHs"), phthalates, and persistent organic pollutants ("POPs") including polychlorinated biphenyls ("PCBs"), pesticides (e.g., DDT), and flame retardants ("PBDEs").[121] Dredging resuspends seafloor sediments, remobilizing a fraction of the contaminants and making them bioavailable to aquatic life.[122] This bioavailability and uptake can have devastating ecological consequences. For example, remobilized metals like copper and zinc pose a

[120] *Cf.* Ross, P.S. et al., "High PCB Concentrations in Free-Ranging Pacific Killer Whales, Orcinus orca: Effects of Age, Sex, and Dietary Preference," 40 Marine Pollution Bull. 504 (2000).

[121] Knott, N.A. et al., "Contemporary Ecological Threats from Historical Pollution Sources: Impacts of Large-Scale Resuspension of Contaminated Sediments on Sessile Invertebrate Recruitment," 46 J. Applied Ecology 770 (2009).

[122] Draft Report, p. 140; Knott et al. (2009), *supra*; Victor, O. et al., "Environmental Effect of Dredging and Geochemical Fractionation of Heavy Metals in Sediments Removed from River," 6 Modern Chem. 44 (2018).

threat to salmon at very low concentrations. Many POPs, including PCBs, bioaccumulate in the fatty tissues of animals and biomagnify up the food chain.[123]

Studies of pinnipeds—like the California sea lions and harbor seals that are known to visit the Project area—have demonstrated that elevated POP concentrations lead to reproductive impairment, endocrine disruption, immunotoxicity, neurotoxicity, and skeletal abnormalities.[124] And a growing body of evidence on cetaceans suggests that organochlorine chemicals put certain cetacean species at risk for similar toxic responses.[125] Indeed, scientists studying other cetacean populations have found an association between high PCB-concentrations in females and low recruitment, which in turn leads to declining abundance.[126] The Corps did not consider whether such concerns may also apply to the myriad species that frequent the San Francisco Bay.

The Corps also must consider how climate change may increase exposure to and bioaccumulation/ biomagnification of certain contaminants in marine organisms including the Chinook salmon. These increases in exposure or bioconcentration may occur (1) as climate change increases contaminant exposure or sensitivity, and/or (2) when contamination leads to an increase in susceptibility to other climate change effects.[127] Alava et al. (2018) estimate climate-induced contaminant amplification in Chinook salmon to be on the order of 10%. The Corps must consider how the proposed dredging and any associated contaminant resuspension would interplay with climate change effects and potentially harm resident fish and wildlife species. EJC-110

[123] Ross et al. (2000), *supra*; Hall, A.J. et al., "Predicting the Effects of Polychlorinated Biphenyls on Cetacean Populations Through Impacts on Immunity and Calf Survival," 233 Envtl. Pollution 407 (2018).

[124] Ross et al. (2000), *supra*; Krahn, M.M. et al., "Effects of Age, Sex and Reproductive Status on Persistent Organic Pollutant Concentrations in 'Southern Resident' Killer Whales," 58 Marine Pollution Bull. 1522 (2009); Lundin, J.I. et al., "Persistent Organic Pollutant Determination in Killer Whale Scat Samples: Optimization of a Gas Chromatography/Mass Spectrometry Method and Application to Field Samples," 70 Archives Envtl. Contamination & Toxicology 9 (2016).

[125] Ross et al. (2000), *supra.*

[126] Hall et al. (2018), *supra*.

[127] Alava, J.J. et al., "Projected Amplification of Food Web Bioaccumulation of MeHg and PCBs Under Climate Change in the Northeastern Pacific," 8 Nature Scientific Reports, Art. No. 13460 (2018), https://www.nature.com/articles/s41598-018-31824-5.

Despite the threat posed by contaminant resuspension, the Corps downplays the risk of these contaminants in the Draft Report, making general assumptions that much of the material to be dredged will be "relatively 'clean' material."[128] Such a conclusion is at odds with the fact that contamination is already known to exist at various sites within the scope of the proposed Project.[129] The Corps should commit to conducting water quality sampling prior to approving this Project, and present the data to the public so that dredging project impacts, including contaminant impacts, can be properly analyzed. Should the Project move forward, the Corps should commit to a more frequent, scheduled sampling program of dredged materials over the anticipated course of construction to ensure water quality does not degrade over time or pose risks to local species in any location where dredged materials are to be deposited. If the Project should move forward, any dredging wastes that are found to be contaminated should be handled as hazardous waste and disposed of accordingly, with meaningful consultation to members of the affected community before embarking on such disposal. EJC-110

Work Windows

The Corps' reliance on "work windows" as a dredging mitigation measure to avoid species harms is misplaced. The Corps notes throughout the Draft Report that most dredging will be conducted during a proposed window from June 1 through November 30 when certain fish species such as salmonids and herring are less likely to be present.[130] However, the Corps does not clearly state whether these work windows are mandatory or merely recommended, or in what instances it might elect to work outside the designated work windows.[131] The Corps also failed to explain how or whether its proposed dredging activities will be modified in the event that such species are still present during the work windows. For example, outmigrating Chinook salmon and green sturgeon may be affected by dredging activities that fall outside the proposed work window.[132] The Corps has failed to adequately support its conclusion that there will be no significant impact to local species caused by the proposed dredging and in-water construction activities. The Corps should discuss in more detail its historical

[128] Draft Report, p. 77; see also p. 143-44.

[129] See generally Draft Report, pp. 77-78 (identifying various sources of historical contamination in sediment).

[130] See, e.g., Draft Report, pp. 45-46, 117, 144-45, 147, 150.

[131] See, e.g., Draft Report, Appendix A-5, p. A-1 (PDF p. 194) (noting that there may be circumstances when "in-water work must occur at times other than the approved work window").

[132] See, e.g., Draft Report, Appendix A-1, pp. 4-2, 4-4, 4-7 to 4-8.

record of complying with work windows in this particular navigation channel, as well as impacts that might result should work windows not be practicable.

Furthermore, the Draft Report contains inconsistencies regarding how it selected the proper work windows for the Project. Specifically, the Report notes that the preferred work window for the California least tern (a species listed as endangered both by the state and federal governments) would run from August 1 through March 15 of each year, but that time frame that does not align with the proposed work windows described above (June 1 through November 30). The Report acknowledges that "in-water construction is proposed to occur partially outside of [the work window most suitable for California least terns] under all action alternatives."[133] Given that the Corps' proposed work windows are going to pose potential resource conflicts and exposure for the California least tern, the Draft Report fails to adequately address how the Corps intends to mitigate for such exposure.[134] The Corps' decision to proceed without analyzing the potential for significant impacts to the California least tern represents a violation of NEPA as well as the state and federal Endangered Species Acts. EJC-110

6. Failure to Analyze Impacts of Larger Ships on Wildlife

In the Draft Report, the Corps implies that widening the Turning Basins will lead to reduced overall vessel traffic, because larger ships will carry cargo more efficiently and produce gains in operational efficiency.[135] That assumption is problematic for several reasons. First, it is an unstudied assumption that is not necessarily true, as discussed in Section I.B.1 above. Second, even if it were true, that assumption is not binding on any entity. A change in market demand could lead to an increase in the number of vessels beyond what is forecast and analyzed in the Draft Report, with a concomitant increase in vessel impacts on fish and wildlife species.

Furthermore, even if the Corps is correct that there will be an overall reduction in vessel traffic, the Draft Report nonetheless forecasts an increase in the number of ultra-large container vessels visiting the Port.[136] (In other words, the Draft Report predicts the percentage of ultra-large container vehicles calling on the Port will increase, thereby displacing at least some callings by smaller ships.) The increased presence of these larger vessels—in addition to a potential increase in the size or number of accompanying tending vessels such as tugboats—may increase the risk or severity of oil

[133] Draft Report, p. 141.
[134] See Draft Report, p. 151.
[135] See Draft Report, pp. 14, 125.
[136] Draft Report, p. 101-102.

spills and other discharges, the likelihood of ship strikes on marine mammals, or generate excessive levels of underwater noise, as discussed below. The Corps failed to adequately analyze any of these possibilities in the Draft Report.

Oil Spills and Other Discharges

The Corps entirely failed to analyze the potential for oil spills and other discharges from the ship traffic that will be visiting the Port. This is a remarkable omission given California's long and troubled history of oil spills that have soiled our shorelines over the years. Oil spills have caused great harm to the Bay Area historically: in 1971, a ship spilled 800,000 gallons of bunker fuel in San Francisco Bay, which the California Coastal Commission confirms had a "devastating impact on local species."[137] More recently, a container ship struck the Bay Bridge in 2007 and spilled 58,000 gallons of bunker fuel, which spread across the coastlines of the San Francisco Bay in a matter of hours.[138] Less publicized but frequent smaller oil spills in the region have contributed to "chronic" oil pollution throughout California.[139] EJC-110

Because the impact of widening the Turning Basins will be to facilitate callings by ever-larger container ships, it stands to reason that even larger oil spills of bunker fuel could result from those ships that will be able to visit the Port with greater frequency as a result of this Project. The Corps should have analyzed the possibility of an increase in the risk of oil spills, as well as the severity and magnitude of such spills in its Draft Report, instead of constraining its analysis merely to construction impacts.

The Draft Report also fails to discuss compliance with EPA's 2013 Vessel General Permit and the Vessel Incidental Discharge Act ("VIDA") passed in 2018. The 2013 Vessel General Permit applies to discharges incidental to the normal operation of commercial vessels greater than 79 feet in length, and remains applicable on an interim basis until EPA publishes standards for compliance with VIDA and the U.S. Coast Guard develops implementing regulations.[140] Because the Corps explicitly anticipates

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[137] Cal. Coastal Comm'n, "Oil Spills" (accessed Feb. 3, 2022), https://www.coastal.ca.gov/publiced/oilspills.html.

[138] *Id.*

[139] Steve Hampton, et al., "Tank Vessel Operations, Seabirds, and Chronic Oil Pollution in California," 31 Marine Ornithology 29 (2003), https://marineornithology.org/PDF/31_1/31_1_4_hampton.pdf.

[140] See generally U.S. EPA, "Vessels – VGP" (n.d.), https://www.epa.gov/vessels-marinas-and-ports/vessels-vgp.

that larger vessels will be visiting the Port as a result of the Project, it is obligated under NEPA to discuss the rates of compliance of the larger-sized ships with the Vessel General Permit and to evaluate reasonably foreseeable impacts from their visitation at the Port.

Ship Strikes

The Corps also entirely fails to analyze the threat that shipping traffic associated with this navigation channel poses to marine mammals. Ship strikes serve as a primary cause of mortality for large whales worldwide.[141] Large vessels (*i.e.,* those 80 m) are responsible for most of the collisions leading to whale death or severe injury.[142] For imperiled populations, "death from vessel collisions may be a significant impediment to population growth and recovery."[143]

Ports in the Bay Area host extensive shipping activity.[144] Incoming ship traffic transits several ecologically rich areas including Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries.[145] These areas provide important habitat for blue whales (*Balaeonoptera musculus*), humpback whales (*Megaptera novaeangliae*), and gray whales (*Eschrichtius robustus*).[146] Blue whales and distinct population segments of humpback whales are listed as endangered under the U.S. Endangered Species Act. EJC-110

In an analysis of ship strikes off the West Coast of the continental United States, scientists found that "the majority of strike mortality occurs in waters off California, from Bodega Bay south and tends to be concentrated in . . . designated shipping lanes

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[141] Rockwood, R. Cotton et al., "High Mortality of Blue, Humpback and Fin Whales from Modeling of Vessel Collisions on the U.S. West Coast Suggests Population Impacts and Insufficient Protection," PLoS ONE 12(8): e0183052 (2017); Jensen, Caitlin M. et al., "Spatial and Temporal Variability in Shipping Traffic Off San Francisco, California," 43 Coastal Mgmt. 575 (2015).

[142] Jensen *et al.* (2015), *supra.*

[143] Rockwood *et al.* (2017), *supra.*

[144] Jensen *et al.* (2015), *supra.*

[145] *Id.*; Keiper, Carol et al., "Risk Assessment of Vessel Traffic on Endangered Blue and Humpback Whales in the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries: Summary of Research Results," Oikonos (2012).

[146] Jensen *et al.* (2015), *supra.*

leading to and from major ports."[147] Shipping lanes off San Francisco pose one of the highest ship strike risks.[148] Between 2005 and 2014, the National Oceanic and Atmospheric Administration documented 15 ship strikes of blue, humpback, and gray whales off the coast of San Francisco.[149] Given that ship strikes are rarely detected, the actual number is likely much higher.[150]

The Army Corps anticipates that the widening of the Turning Basins will facilitate an increased number of visits by ultra-large container vessels.[151] Larger vessels traveling at proportionately higher speeds as they transit to the navigation channel pose a greater risk of harm to marine mammals from ship strikes. Given the grave risk to whale species, including endangered populations of blue and humpback whales, the Corps must analyze how expansion of the Turning Basins may affect the risk of ship strikes.

EJC-110

Noise

The Draft Report also fails to adequately analyze the impacts that increased vessel size may have on noise affecting local wildlife species. The presence of more and larger ships will increase the levels of low frequency noise, particularly close to major shipping lanes and ports.[152] Larger vessels may introduce significantly more noise into the marine environment, particularly if they have larger positioning thrusters and propulsion units.[153]

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[147] Rockwood *et al.* (2017), *supra.*

[148] *Id.*

[149] Jensen *et al.* (2015), *supra.*

[150] *Id.*

[151] Draft Report, p. 100.

[152] Port of Vancouver, "2021 Haro Strait and Boundary Pass voluntary vessel slowdown" (n.d.), https://www.portvancouver.com/environmental-protection-at-the-port-of-vancouver/maintaining-healthy-ecosystems-throughout-our-jurisdiction/echo-program/projects/haro-slowdown/; Putland, R.L., et al., "Vessel noise cuts down communication space for vocalizing fish and marine mammals," 24 Global Change Biology 1708 (2018); Liu, M., et al, "Broadband ship noise and its potential impacts on Indo-Pacific humpback dolphins: Implications for conservation and management," 142 Journal of the Acoustical Society of America 2766 (2017).

[153] *See* Kaplan, M.B. & Solomon, S., "A coming boom in commercial shipping? The potential for rapid growth of noise from commercial ships by 2030," 73 Marine Policy 119 (2016).

Kaplan and Solomon (2016) estimate that the growth of commercial ship noise could increase by up to a factor of 1.9 by 2030.[154] The study looked at three segments of the commercial shipping fleet: container ships, oil tankers, and bulk carriers. Continued growth in the number of ships, quantity of goods carried, and distances traveled all feed into the dramatic increase in the predicted ocean noise level.[155] Ocean sound is not distributed evenly across the ocean, but concentrated particularly in port areas like the San Francisco Bay. Because much of the increased noise pollution will be concentrated near the Oakland Harbor, it is particularly important that this Project address the issue of noise pollution from commercial shipping.

The Corps also must conduct a more searching analysis on the effects of project-associated noise on regional wildlife and fisheries species. Noise associated with the Project will be produced by a broad range of construction equipment including dredges, vibratory pile drivers, and tugboats, as well as land-side construction activities including pile driving, drilling, and compaction machinery.[156] Even if the noise produced from this machinery does not result in lethal harms to local species, smelt, salmonids, and green sturgeon might experience behavioral disturbances including reduced foraging, reduced ability to avoid predators, and increased flight/avoidance behavior, as well as neurological stress and hearing threshold shifts. The Corps must discuss in more detail the individual- and population-level implications of such sublethal harms, by themselves and in conjunction with other stressors, as discussed in Section I.B.5 above. EJC-110

The Army Corps also fails to adequately analyze how shipping noise in the Turning Basins, produced by larger ships in conjunction with tugboats, could affect regional wildlife, including but not limited to marine mammals, local fish, and terrestrial wildlife like avian species. An agency's failure to analyze the noise impacts emanating from tugboats can result in an EA that fails NEPA's "hard look" requirement.[157] In *Cook Inletkeeper*, a federal agency dismissed noise impacts from tugboats in a semi-enclosed estuary of Alaska, contending that marine mammals "are likely habituated to the existing baseline of commercial ship traffic."[158] The district court concluded that the agency had failed to analyze the potential noise impacts from

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[154] *Id.*

[155] *Id.*

[156] Draft Report, p. 194.

[157] *Cook Inletkeeper v. Raimondo*, 533 F. Supp. 3d 739, 766 (D. Alaska 2021).

[158] *Id.* at 745, 766.

tugboats and their impacts on local marine mammal wildlife.[159] Here, too, ships that approach and use the Turning Basins will produce noise during their approach and while executing turns within the Basins, with assistance from tugboats. The Draft Report estimates that underwater noise associated with ships turning in the Basins can range from 141 to 175 decibels.[160] However, the Draft Report improperly dismisses those noise impacts as no different than existing vessel traffic.[161] The Draft Report fails to consider the noise impacts that emanate from the fact that that the largest vessels (which potentially make more noise) will call on the Port more frequently—a conclusion the Corps had in fact already reached elsewhere in the Draft Report, and which it failed to apply to its noise analysis.[162] The Corps must revisit its analysis regarding noise impacts on local species.

Any increase in shipping noise threatens marine mammal species that visit the San Francisco Bay area. Noise generated by commercial shipping reduces marine mammals' ability to communicate, locate prey, and navigate within their habitat, and induces behavioral changes. The Corps must disclose these impacts. The Corps also should consider developing and implementing a noise budget to protect vulnerable wildlife and fisheries species from noise pollution generated by construction and increases in vessel noise attributable to Port traffic, as more fully discussed in Section I.D below.[163] EJC-110

Finally, the Corps must also discuss in more detail the behavioral implications of ship traffic and vessel noise on longfin smelt. Although the Draft Report outlines the life history of longfin smelt, it fails to discuss at any length the potential for impacts that

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[159] *Id.* at 767-68.

[160] Draft Report, p. 89.

[161] See Draft Report, pp. 166 (concluding "transport barges carrying dredge material are not expected to generate underwater noise that is different than existing vessel traffic") and 191 ("[T]he noise produced by the turning activity would reasonably be expected to remain very similar to noise generated by existing ships turning.").

[162] Draft Report, p. 100.

[163] See, e.g., Merchant, N. D., et al., "Marine noise budgets in practice,"11 Conservation Letters 1 (2018); Haver, S.M. et al., "Monitoring long-term soundscape trends in US Waters: The NOAA/NPS Ocean Noise Reference Station Network," 90 Marine Policy 6 (2018); Redfern, J.V., et al., "Assessing the risk of chronic shipping noise to baleen whales off Southern California, USA," 32 Endangered Species Research 153-167 (2017); Viola, S. et al., "Continuous monitoring of noise levels in the Gulf of Catania (Ionian Sea), Study of correlation with ship traffic," 121 Marine Pollution Bull. 97 (2017).

disturbances from barges, dredging crews, and tugboats could have on the species. Given that longfin smelt are currently listed as threatened by the state of California and are a candidate species for listing under the federal ESA, the Corps must conduct a more searching analysis of the ways in which sublethal harms might affect the long-term population viability of threatened longfin smelt.

Marine Mammals

The Corps failed to adequately explore whether it requires an authorization under the Marine Mammal Protection Act ("MMPA") for the Project. The MMPA prohibits the taking of marine mammals, unless the take falls within certain statutory exceptions.[164] The statute defines "take" is as "to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect or kill, any marine mammal."[165] Here, the Project will have foreseeable impacts on a wide range of marine mammals including pinnipeds and cetacean species as discussed throughout these comments. All of those species are protected under the MMPA, and some are also protected under the state and federal ESA. The noise impacts from dredging and larger ships could cause take,[166] and any increase in shipping traffic or at-anchor times could also cause take. Because the Project (and any foreseeable future impacts from the project, such as an increase in growth of cargo throughput volume) may harass or harm marine mammals, the Corps should have explored whether MMPA authorization is required before it may proceed with the widening of the Turning Basins. EJC-110

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[164] 16 U.S.C. § 1371(a)(3).

[165] 50 C.F.R. § 216.3; 16 U.S.C. § 1362(13).

[166] See, e.g., Jason Gedamke, Ocean Sound & Ocean Noise: Increasing Knowledge Through Research Partnerships, NOAA 2 (2014), available at http://cetsound.noaa.gov/Assets/cetsound/documents/MMC%20Annual%20Meeting%20Intro.pdf; International Maritime Organization, "Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life," (2014), https://cetsound.noaa.gov/Assets/cetsound/documents/MEPC.1-Circ%20883%20Noise%20Guidelines%20April%202014.pdf; L. S. Weilgart, "The Impacts of Anthropogenic Ocean Noise on Cetaceans and Implications for Management," 85 Canadian J. Zoology 1091-1116 (2007), https://cdnsciencepub.com/doi/10.1139/Z07-101; D. Kastak et al., "Noise-Induced Permanent Threshold Shift in a Harbor Seal,"123 J. Acoustical Soc'y of Am. 2986 (2008), https://asa.scitation.org/doi/10.1121/1.2932514.

C. ***The Need for the Project Is Not Clearly Defined***

The Draft Report fails to clearly define the need for the Project. The Corps acknowledges that the Port has already previously hosted the largest existing category of container ships, known as post-Panamax Generation IV vessels, with a TEU capacity of between 15,000 to 23,000 TEUs. Specifically, there were 3 such calls by Generation IV vessels on the Port in 2016, and 4 such calls by those vessels in 2020, the last year for which vessel calling records are available, according to the Corps.[167] Although such callings are extremely uncommon, the Port's own records indicate that it is feasible to use the Turning Basins at their present size for vessel callings by even the largest container ships that currently exist in the commercial shipping fleet.

Given that ultra-large container ships like Generation III and IV vessels are already capable of visiting the Port, it is not clear why the Army Corps is seeking to expand the Turning Basins at this time. Although the Draft Report identifies navigation inefficiencies and timing limitations associated with the largest ships performing maneuvers within the Turning Basins,[168] Generation IV vessel callings on the Port of Oakland to date represent only a tiny fraction of the number of total callings. Specifically, for the six-year period from 2014 to 2019 (the most recent years for which complete ship calling data is available), Generation IV vessels represented only 0.03% of the 8,449 vessels that called on the Port of Oakland in those years.[169] Generation IV vessels presently visit the Port so infrequently that it strains logic to suggest that those very limited visits by large vessels have produced meaningful or lasting navigational inefficiencies. In short, the mere existence of temporary inconvenience in hosting the ultra-sized container vessels does not adequately support the Corps' stated need for widening of the Turning Basins. EJC-110

Based on the exceedingly low number of callings by ultra-large container vessels to the Port to date, the only conceivable reason to pursue a widening of the Oakland Harbor Turning Basins is to make navigation more efficient for ultra-large ships that call at the Port. But if navigation becomes more efficient, it is reasonably foreseeable that this could invite increased callings by ultra-large container vessels, which could in turn potentially "debottleneck" cargo throughput, or even facilitate a growth in cargo volume throughput. Either of these results would have significant effects that could

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[167] Draft Report, pp. 14-15; see Draft Report, Appendix C, p. 32.
[168] Draft Report, p. 17.
[169] See Draft Report, p. 15 (Generation IV vessels represent 3 visits out of 8,449 from 2014-2019).

reverberate throughout the local community and beyond, as discussed in Sections I.A and I.B.1 above. If the Army Corps' true motivation is, in fact, to debottleneck operations or induce increased cargo volume to flow through the Port of Oakland, the Draft Report should have defined "increased operations" as the goal, and analyzed the need for the Project and its resultant impacts accordingly. But characterizing the need for this Project as a mere construction improvement—without also acknowledging the potential for impacts on operational output at the Port due to visitation by ever-larger container ships—is disingenuous and violates NEPA.

The Army Corps has a long history of pursuing dredging and port expansion projects, like this one, throughout the country, without first identifying a clear need. For example, the Port of Long Beach—which serves as a port of first call far more frequently than the Port of Oakland for vessels traveling along the Asian-to-West Coast U.S. routes[170]—is already undertaking a major dredging project, partially funded by the Army Corps, that will expand that port's capacity to receive ultra-large container ships like Generation III and IV vessels.[171] (Many members of the local community and environmental organizations opposed the Army Corp's proposed Long Beach dredging and expansion project for similar reasons to those expressed herein, including the unanalyzed possibility that dredging could result in an expansion of that port's operations and shipping throughput volumes.) The dredging project at the Port of Long Beach is expected to be completed in 2027.[172] The Corps fails to discuss in the Draft Report whether the completion of the forthcoming Long Beach dredging project may affect the need for the Project at the Port of Oakland.[173] The Army Corp's failure to consider the implications of other California port expansions that are already in progress also violates NEPA. EJC-110

For all of these reasons, the Draft Report fails to identify a clear need for the Project. The Corps must withdraw its flawed EA and FONSI, and issue a revised EIS for public comment that clearly identifies whether there is a true "need" for this Project.

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[170] See Draft Report, pp. 12-13.

[171] Hayley Munguia, "Army Corps Recommends Deepening Channels at Port of Long Beach," Long Beach Business Journal (Oct. 9, 2021), https://lbbusinessjournal.com/army-corps-recommends-deepening-channels-at-port-of-long-beach.

[172] Zlatan Hrvacevic, DredgingToday.com, "Port of Long Beach Dredging Project on the Way" (June 25, 2021), https://www.dredgingtoday.com/2021/06/25/port-of-long-beach-dredging-project-on-the-way/.

[173] See Draft Report, pp. 12-13.

D. ***The Draft Report Fails to Consider Meaningful Mitigation Measures***

As outlined above, there are a broad range of significant impacts that the Army Corps failed to consider in its Draft Report. Because the Corps failed to identify those impacts (instead relying on the issuance of a FONSI that is unsupported by adequate analysis), the Draft Report likewise failed to identify meaningful mitigation measures that could help to avoid or reduce those impacts on the affected local community and the environment. CEQ NEPA regulations require agencies to identify mitigation measures that can be undertaken to avoid significant impacts.[174]

Most fundamentally, the Corps should have considered implementing mitigation measures that could address any impacts caused by the potential for expansion of cargo throughput at the Port. CEQ NEPA regulations require agencies to take a hard look at all potential effects of a project that "are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives."[175] As discussed in Section I.B.1 above, it is reasonably foreseeable that expanding the Port's ability to receive larger ships could result in more visits from larger ships that carry more cargo and will take longer to unload, spending more time at the Port, and could also result in heavier reliance on cargo handling equipment, rail, and truck visits to handle the influx of larger cargo loads—all of which could foreseeably result in higher localized concentrations of pollution.[176] The Corps failed to consider these possibilities when developing mitigation measures. EJC-110

Beyond that fundamental critique, there are several specific mitigation measures that the Corps should have considered, but failed to even propose as a possibility in the Draft Report. First, although the Corps did commit to using electric dredges during the construction phase of the project,[177] it should have required that *all* construction equipment commissioned by the Corps or the Port (including, but not limited to, tugboats, barges, trucks, cranes, tractors, excavators, power packs and generators, cargo handling equipment, etc.) rely on commercially available zero-emissions equipment

[174] See 40 C.F.R. § 1501.6(c).

[175] 40 C.F.R. § 1508.1(g); see 40 C.F.R. § 1501.2(b)(2); *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 374 (1989).

[176] See generally CARB, "Emissions Impacts of Recent Congestion at California Ports," *supra*.

[177] See Draft Report, pp. 116-17.

during the construction phase of the project to the greatest extent feasible.[178] This kind of holistic mitigation measure would produce a meaningful improvement in regional air quality because it would reduce reliance on outdated diesel-powered and gasoline-fueled equipment that produces particulate matter pollution and contributes copious greenhouse gases to climate change; it would also simultaneously facilitate compliance with the Corps' environmental justice obligations under Title VI of the Civil Rights Act. and support the emissions reduction strategies in West Oakland's AB 617 plan.[179]

We urge the Corps to consider implementing mitigation measures that commit the Corps and the Port to the use of commercially available zero-emissions vehicles and construction equipment to reduce the air quality impacts that will come from three years of nearly constant ground disturbances around the Turning Basins, as well as the foreseeable potential air quality impacts from expansion of Port operational activity due to debottlenecking or induced growth as described in Section I.B.1 above.[180] Electric dredges alone will not adequately mitigate the air quality impacts from this Project. EJC-110

Second, the Army Corps should develop a plan jointly with the Port to introduce local air quality monitors closer to the location of the two Turning Basins, which would be operational at a minimum for the duration of the planned construction phase of the Project. The Draft Report notes that "[t]he monitoring station closest to the study area is the Oakland West station, approximately 1.3 miles north." That station is not close enough to detect the air quality emissions from the various construction equipment (barges, tugs, tractors, excavators, power packs and generators, etc.) that will be operating during the planned construction periods at the Turning Basins. The undersigned organizations urge the Army Corps to approach the process of selecting a site for any air quality monitoring in a collaborative way that invites input from and dialogue with residents of the local community as to the location, frequency of testing, and public accessibility of the data. Relatedly, the Corps should review the "best clean air practices for Port operations" website that EPA has made available online to explore

[178] See, e.g., CARB, Draft State Implementation Plan 2022, *supra*, at p. 72; Bellona, "Zero Emission Construction Machinery – Manufacturers," https://bellona.org/database-emission-free-construction-equipment-by-manufacturer (database accessed Feb. 1, 2022); BAAQMD, "Diesel-Free by '33: Resources for Zero-Emission Vehicles and Equipment," (n.d.), https://dieselfree33.baaqmd.gov/available-equipment.

[179] See *supra*, Section I.B.2.

[180] See Draft Report, p. v (describing estimated 2.5 year duration of construction activity).

other ways that the Corps and the Port can work to mitigate air quality impacts stemming from the Project.[181]

Third, the Army Corps should have worked with the Port to explore mitigation measures that require larger vessels calling at the Port to rely on either zero-emissions technologies currently in development or the cleanest available technology. If use of zero-emissions vessels were independently determined to be infeasible, the Port and Corps should instead consider a mitigation measure that requires vessels to pay in-lieu fees or a certain percentage of their profits or revenues into a fund for zero-emissions demonstration or pilot projects for ocean-going vessels or other hard-to-abate sources of pollution near the Port. For instance, the California Air Resources Board's At-Berth vessel regulation requires ocean-going vessels to control their emissions at-berth with the use of shore power, but includes an "innovative concept compliance option" which allows the regulated entity to alternatively meet compliance by funding projects at or near the Port that achieve equivalent emissions reductions.[182] The Army Corps and Port should have examined the feasibility of such mitigation measures, which would either require adoption of zero-emissions technology outright, or allow for greater contributions to projects that enable accelerated future adoption of zero-emissions technologies. As discussed in Section I.F *infra*, these types of comprehensive mitigation measures can more appropriately be proposed (and members of the public can participate more meaningfully) when NEPA and CEQA analysis are not improperly segmented into separate environmental analyses. EJC-110

Fourth, the Corps should have considered as mitigation any of the 89 emissions reduction strategies included in West Oakland's AB 617 plan. These strategies include limiting truck hours of operation on local streets, moving truck routes away from residences, improving truck flow and congestion in the face of increasing visits from large container vessels, and planting vegetative borders between particulate matter sources and places where residents live, work, and go to school.[183] By essentially ignoring a plan adopted by BAAQMD, CARB, and WOEIP that reflects agency and community expertise and guidance specific to the Port's nearby communities, the Corps undermines the plan's goals and targets and fails to meaningfully consider relevant and site-specific mitigation measures for this Project.

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[181] See U.S. EPA, "Best Clean Air Practices for Port Operations" (n.d.), https://www.epa.gov/ports-initiative/best-clean-air-practices-port-operations.

[182] CARB, *Final Regulation Order – Control Measure for Ocean- Going Vessels At-Berth* at p. 54, https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/ogvatberth2019/fro.pdf.

[183] *Owning Our Air: The West Oakland Community Action Plan*, *supra*, at pp. 6-3, 6-22, 6-26.

Fifth, the Corps should consider exploring a partnership with other state, federal and international bodies to facilitate the creation of a zero-carbon trade corridor between the Port and Asian markets. The United States recently committed to pursuing the creation of such "green shipping corridors" in the Clydebank Declaration during the 2021 Glasgow Climate Change Conference (COP 26).[184] The Corps' proposed Project at the Port of Oakland represents a meaningful opportunity to pursue the goals of the Clydebank Declaration—not only because of the significant Trans-Pacific trade that the Port of Oakland engages in,[185] but also because the Draft Report and other projections make the fundamental assumption that there will be constant growth in total container cargo throughput.[186] There has been significant progress and momentum on zero-carbon and zero-emissions shipping in the past two years alone. For example, major international shipping company Maersk recently revised forward their target date for full decarbonization from 2050 to 2040,[187] and announced the introduction of eight new carbon-neutral large ocean-going container vessels that will be introduced starting the first quarter of 2024.[188] Recent reports have also highlighted the potential to decarbonize maritime shipping, including through zero-emissions solutions such as green hydrogen or ammonia plus fuel cells.[189] Exploring this type of mitigation measure would have meaningful air quality and climate impacts. EJC-110

[184] COP 26: Clydebank Declaration for Green Shipping Corridors (Nov. 10, 2021), https://www.gov.uk/government/publications/cop-26-clydebank-declaration-for-green-shipping-corridors/cop-26-clydebank-declaration-for-green-shipping-corridors#signatories.

[185] See Draft Report, pp. 12-13 (describing frequency of Trans-Pacific routes involving the Port of Oakland).

[186] See, e.g., Draft Report, p. 95 (indicating Corps' expectation that TEU volume at the Port will continue to increase by 2.1% annually); MAQIP Update, *supra*, at p. 4 (indicating TEU growth rates between 2.4% to 3.0% in the coming years).

[187] Reuters, "Maersk Speeds Up Decarbonisation Target by a Decade" (Jan. 13, 2022), https://www.reuters.com/markets/commodities/maersk-moves-net-zero-target-forward-by-decade-2040-2022-01-12/.

[188] Maersk, "A.P. Moller – Maersk accelerates fleet decarbonisation with 8 large ocean-going vessels to operate on carbon neutral methanol" (Aug. 24, 2021), https://www.maersk.com/news/articles/2021/08/24/maersk-accelerates-fleet-decarbonisation.

[189] World Bank, *The Potential of Zero-Carbon Bunker Fuels in Developing Countries* (Apr. 2021), https://openknowledge.worldbank.org/handle/10986/35435.

Sixth, the Corps should consider developing and implementing acoustic monitoring together with a noise budget to protect vulnerable wildlife and fisheries species from noise pollution generated by ship traffic associated with the Oakland Harbor.[190] Quantitative management targets identified under the budget could form the basis for Port regulations or incentive-based sound reduction initiatives.[191]

Seventh, the Corps should consider working with the Port to require that incoming and outgoing vessels adhere to a set speed limit when transiting through shipping lanes to and from the Port. Implementing such a measure would reduce the possibility of ship strikes, mitigate some of the noise concerns, and reduce emissions.

Finally, in addition to the specific ideas outlined above, we urge the Army Corps to think more deeply about and identify mitigation measures to address the serious effects that sea level rise will have on the Port and local communities in the decades to come. The Draft Report dismisses sea level rise as essentially irrelevant to the Project on the theory that it will be a "net positive [to deep draft navigation] due to the increased channel depth and reduced channel maintenance needs."[192] That short-sighted analysis fails to consider the potential for major impacts to the Port's operations and local communities, should critical shoreline infrastructure be submerged. As the federal agency tasked with regulating work in jurisdictional wetlands adjacent to coastal communities throughout the United States, the Corps should be a leader in addressing and mitigating the effects of sea level rise, not dismissing it as a convenient side effect to global shipping. EJC-110

E. ***The Draft Report Fails to Consider a Reasonable Range of Alternatives***

By failing to properly define the purpose, need, and scope of this Project, the alternatives and mitigation measures considered by the Corps in the Draft Report are far too narrowly constrained. The alternatives analysis in the Draft Report is therefore wholly inadequate and the Corps must address these deficiencies.

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[190] See, e.g., Merchant et al. 2017, *supra*; Haver et al. 2018, *supra*; Redfern et al. 2017, *supra*; Viola et al. 2017, *supra*.

[191] *Cf.* Heise, K.A. et al. Proposed Metrics for the Management of Underwater Noise for Southern Resident Killer Whales Coastal Ocean Report Series (2) (Ocean Wise, Vancouver, 2017) (providing example of what metrics could look like for another cetacean species).

[192] Draft Report, p. 96.

NEPA regulations require the Corps to consider a reasonable range of alternatives that would mitigate the environmental and other impacts from the Project, including consideration of choosing the no-action alternative.[193] An agency may choose the no-action alternative even though it does not fulfill a project's purpose and need.[194] The "agency's decision may be based on any relevant considerations of law or policy" and "as long as [those considerations] are explained in the decision document" the decision to choose the no-action alternative is justified.[195]

All of the Corps' alternatives are virtually the same, save the no-action alternative, because each basically considers different widening areas:

- **Alternative A**: no-action alternative
- **Alternative B**: Inner Harbor Only (Inner Harbor Variation 3), with beneficial placement of eligible material
- **Alternative C**: Outer Harbor Only (Outer Harbor Variation 8), with beneficial placement of eligible material
- **Alternative D-1**: Inner and Outer Harbor (Inner Harbor Variation 3 and Outer Harbor Variation 8), with beneficial placement of eligible material
- **Alternative D-2**: Inner and Outer Harbor (Inner Harbor Variation 3 and Outer Harbor Variation 8), with beneficial placement of eligible material and the electrification of dredges[196]

EJC-110

The Draft Report thus fails to conduct a true alternatives analysis or consider meaningful mitigation measures beyond moving dredged material elsewhere and using electric dredges. For example, the Corps could have considered an alternative that addresses impacts from outdated diesel-powered and gasoline-fueled equipment commonly used during construction projects by relying on commercially available zero-emissions equipment instead. The Corps also could have considered alternatives consistent with the emissions reduction measures in West Oakland's AB 617 plan, or that require visiting vessels to limit ship speeds to address ship strikes that cause marine mammal deaths. Instead of moving dredged material elsewhere, the Corps could have considered an alternative that uses the dredged material to raise the Bay's

[193] 40 C.F.R. § 1502.14(c), (e).
[194] See, e.g., *Agdaagux Tribe of King Cove v. Jewell*, 128 F. Supp. 3d 1176, 1194 (D. Alaska 2015).
[195] See, e.g., *id.*
[196] Draft Report, p. 113.

shoreline and protect local communities against flooding from rising sea levels.[197] Without proper consideration of these and other reasonable alternatives, the analysis in the Draft Report fails to comply with NEPA.

F. ***The Draft Report Fails to Coordinate NEPA and CEQA Review***

The Corps failed to adequately coordinate NEPA review with review under the California Environmental Quality Act ("CEQA"). Federal regulations require that "to the *fullest extent practicable* . . . , [federal] agencies shall cooperate with State . . . agencies to reduce duplication between NEPA and comparable State . . . . requirements."[198] The regulations further provide that "[s]uch cooperation shall include, to the fullest extent practicable, joint environmental impact statements."[199] Combining NEPA and CEQA review is so important that the U.S. Executive Office of the President and the California Governor's Office of Planning and Research jointly issued a report specifically on the topic of how to integrate state and federal environmental reviews under NEPA and CEQA.[200]

EJC-110

Here, the Corps issued its Draft Report and FONSI on an entirely separate timeline from the forthcoming CEQA process that the Port will be overseeing as lead agency beginning later in 2022.[201] The Corps did not adequately justify its decision to segment out NEPA review from the forthcoming CEQA process. The Corps failed to demonstrate in its Draft Report that it sought to cooperate with the state CEQA process "to the fullest extent practicable."

The Army Corps' failure to coordinate NEPA and CEQA review has a detrimental impact on environmental review by members of the public. It is inefficient for members of the public to review two separate sets of environmental documents supporting the Project, especially when each will presumably be separately supported by voluminous and lengthy appendices. In particular, various state and federal

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[197] P. Rogers, "San Francisco Bay Report Decries Waste of Protective Sediment" (Apr. 13, 2021), https://www.marinij.com/2021/04/13/san-francisco-bay-report-decries-waste-of-protective-sediment/.

[198] 40 C.F.R. § 1506.2(c), emphasis added.

[199] *Id.*

[200] U.S. Executive Office of the President & Cal. Governor's Office of Planning & Research, "NEPA and CEQA: Integrating Federal and State Environmental Reviews" (Feb. 2014), https://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf.

[201] See generally U.S. Army Corps of Eng'rs, "Turning Basins Widening Study: Community Stakeholder Meeting #2" at Slide 17 (Jan. 12, 2022).

government agencies with oversight authority over aspects of the Project may need to weigh in on both the NEPA and CEQA documentation, which will compound the inefficiencies for members of the public who intend to track both the federal and state processes simultaneously.

Furthermore, segmenting out NEPA and CEQA review makes it less feasible for commenters to identify meaningful mitigation measures: some of the mitigations that could best offset the impacts from increased vessel size visitation at the Port would necessarily require joint action by the Corps and the Port, which either entity alone may not be able to pursue. It is also conceivable that any mitigation measures the Port selects during its CEQA review process could ultimately change the scope of the Project to a degree that would require renewed analysis by the Corps under NEPA. All of these inefficiencies could have been avoided if the Corps had pursued a combined review under NEPA and CEQA from the outset.

EJC-110

We urge the Corps to withdraw its flawed Draft Report and FONSI, and to issue a full EIS and an Environmental Impact Report jointly with the Port as the lead state agency.

G. *The Army Corps Failed to Provide Adequate Public Comment Opportunities*

The Corps should re-open the unnecessarily brief comment period for the Draft Report to allow for more meaningful public participation. Incorporating and inviting public participation into the government's environmental decisionmaking is a core element of the NEPA process. CEQ regulations state that agencies must "[m]ake diligent efforts to involve the public" when implementing NEPA.[202] The opportunity to comment on draft environmental documents is one of the main avenues by which the public can participate in the NEPA process.

The Army Corps' comment period was inadequate under NEPA, because the Corps provided too few public participation meetings and the comment period was too short given the factual circumstances and the complexity of the information provided.

First, as far as the undersigned organizations are aware, the Army Corps offered only two public participation meetings regarding this Project: one in late August 2021 and another in mid-January 2022, the latter of which fell nearly four weeks *after* the comment period for the Draft Report had already opened on December 17, 2021. The

[202] 40 C.F.R. § 1506.6(a).

Army Corps failed to provide adequate notice of these meetings or to alert members of the affected communities about the scope of the proposed Project or the potential impacts. The Corps' failure to do so represents a violation of NEPA and undermines the goals and obligations of AB 617 and Title VI.

Second, the Corps designated an unnecessarily short timeframe to submit comments, which constrained the ability of community groups to develop meaningful comments. The Corps issued the Draft IFR/EA on December 17, 2021 shortly before a major national holiday period when schools are closed and many organizations have holiday breaks and are not working at full capacity. The holidays, including the travel period surrounding Christmas and New Year's Day, removed essentially two weeks of time to review the Draft IFR/EA.

Furthermore, the ongoing COVID-19 pandemic has led to office and school closures throughout the country, with COVID cases peaking at an all-time national high in early January 2022.[203] As a result, members of the public as well as attorneys and support staff at organizations engaged in this Project have been forced to make necessary adjustments, including alternative childcare arrangements and coordination for timely filing of comments. This has made it even more challenging to review and prepare comments in the allotted time. EJC-110

Although the Army Corps extended the deadline to submit written comments by 14 days (from the originally designated January 31, 2022 deadline to February 14, 2022) upon the request of some of the undersigned organizations as well as U.S. EPA, that limited 14-day extension does not make up for the unnecessarily abbreviated timeline for comment submission in light of the timing constraints and public outreach inadequacies outlined above. The Draft IFR/EA is 243 pages and includes 8 appendices with at least 544 additional pages, bringing the total to at least 787 pages of material. It takes a substantial amount of time to review large amounts of materials and provide meaningful comments. The Corps did not allow adequate time to review the supporting materials.

For these reasons, the undersigned organizations respectfully request that the Army Corps withdraw its flawed Draft Report, issue a substantially improved draft

[203] Lisa Shumaker, "U.S. Reports 1.35 Million COVID-19 Cases in a Day, Shattering Global Record," Reuters (Jan. 10, 2022), https://www.reuters.com/business/healthcare-pharmaceuticals/us-reports-least-11-mln-covid-cases-day-shattering-global-record-2022-01-11/.

Environmental Impact Statement jointly with an Environmental Impact Review with the Port, and reopen the comment period on a draft EIS to allow community groups and those affected by the Turning Basins proposal to have more time to develop meaningful comments that will enable the Corps and the Port to improve their environmental review.

II. The Draft Report Fails to Comply with the Clean Water Act

The Army Corps also failed to comply with the Clean Water Act ("CWA"), 33 U.S.C. § 1251 *et seq.*, in several respects, many of which overlap with the NEPA compliance issues described above. First and foremost, the Corps has failed to clearly articulate whether and under what circumstances it may seek in the future to obtain any necessary CWA permits. The Draft Report says only that "all dredge material will be placed at a permitted upland beneficial reuse site or landfill," without specifying the location or possible alternative placements.[204] Based on that statement alone, the Corps elected not to provide a 404(b)(1) analysis with the issuance of the Draft Report.[205] The Corps also states that it will "obtain a water quality certification for the [P]roject [pursuant to CWA section 401]. . . *if applicable* . . . after the feasibility phase, in the pre-construction design phase."[206] The Corps' approach to compliance with the Clean Water Act in the Draft Report is flawed. EJC-110

First, the Corps has adopted an overly narrow definition of this Project's scope and purpose, as well as an inadequately articulated need for the Project, both of which are more fully discussed in Sections I.A and I.C above. By artificially defining this Project as confined to a mere construction activity, the Corps disregards myriad potential water quality impacts that are broader than the construction activities themselves. The Draft Report ignores the possibility that the construction or future operational phases of the Project could require or result in the discharge of material into jurisdictional waters, or otherwise cause discharges that require CWA permitting.[207] The excessively narrow scope of the Draft Report violates the CWA.

Second, the Draft Report inappropriately postpones analysis of the need for any water quality certification permitting until the pre-construction design phase of the Project, which deprives members of the public from having adequate opportunity

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[204] See Draft Report, p. 200.

[205] *Id.*

[206] *Id.*, emphasis added.

[207] See, e.g., *supra*, Sections I.B.1, I.B.5, and I.B.6.

under NEPA to review and comment on that analysis.[208] In so doing, the Draft Report fails to provide adequate information that would enable members of the public to evaluate whether the Project will conform to the EPA's Section 404(b)(1) guidelines.[209] The Army Corps should have included a CWA Section 404(b)(l) alternatives analysis within the Draft Report to provide a more meaningful opportunity to evaluate potential impacts.

Third, if the Corps ultimately does need to seek a permit under the CWA for any portion of the Project activities, the Draft Report fails to demonstrate that it has selected the "least environmentally damaging practicable alternative" ("LEDPA") to achieve the Project's purpose. The Corps is required to make a LEDPA finding before it may approve any Section 404 permit under the CWA.[210] Because the Corps has deferred a determination about whether it will need to rely on a Section 401 or 404 permit until a later stage of the Project that post-dates the issuance of this Draft Report, the undersigned organizations do not have adequate information about the dredging or water quality certification alternatives the Corps may consider or the environmental impacts of those options.[211] At a minimum, the Draft Report failed to include any analysis of the potential impacts of debottlenecking and/or induced expansion on Port operations due to the Report's improperly constrained scope.[212] If such analysis had been included, that would have facilitated a determination about whether the proposed Project and the proposed dredging waste disposal locations would represent the LEDPA under the CWA. The Corps' omission of such analysis frustrates the goals of the CWA and impedes public participation. EJC-110

Fourth, there is inadequate information in the Draft Report about whether this Project could reasonably fulfill the Army Corps' public interest review, should a CWA permit be required at some point in the future. The CWA and the Army Corps' own regulations require that the Army Corps may issue a CWA permit only when a

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[208] Draft Report, pp. 181-82, 200.

[209] See, e.g., 33 C.F.R. § 323.6 (requiring district engineer to "review applications for permits for the discharge of dredged or fill material into waters of the United States in accordance with guidelines promulgated by the Administrator, EPA, under authority of section 404(b)(1) of the CWA"); 40 C.F.R. § 230.12 (requiring disposal sites for discharge of dredged or fill material to comply with EPA guidelines).

[210] See 40 C.F.R. § 230.10(a).

[211] See *supra*, Section I.E. (discussing how the Draft Report inadequately explores a range of alternatives that could achieve the Project's goals).

[212] See generally *supra*, Section I.B.1.

proposed project will meet certain environmental standards.[213] The Corps' regulations require it to consider numerous factors, including several most relevant here: "conservation, . . . aesthetics, general environmental concerns, wetlands, . . . fish and wildlife values, flood hazards, . . . land use, . . . shore erosion and accretion, . . . water quality, . . . and, in general, the needs and welfare of the people."[214] The Draft Report largely skims over many of these factors—in part by inappropriately confining the scope of the Project to construction impacts only—and fails to adequately analyze the adverse impacts of the Project on these factors. Particularly concerning is the Army Corps' failure to consider environmental justice issues ("the needs and welfare of the people") in developing the Draft Report, as more fully discussed in Section I.B.2 above; the impacts to local and protected species discussed in Sections I.B.5 and 6 above also lack adequate analysis. These and other omissions in the Draft Report prevent members of the public from being able to weigh in on whether the Corps will perform an appropriately thorough public interest review as required by the CWA.

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For all of these reasons, the Army Corps should withdraw its flawed Draft Report and develop a more thoughtful and extensive analysis of the potential water quality impacts that could emanate from the Project to ensure compliance with the Clean Water Act.

Conclusion

The Draft Report for the Project fails to adequately define the scope of or need for the project, to adequately analyze the potentially significant impacts of the Project, or to consider meaningful mitigation measures or a reasonable range of alternatives, and therefore, it fails to comply with NEPA and the CWA. The Corps must revise the Draft Report to include a fulsome analysis of environmental justice impacts that could result from widening the Turning Basins, including analysis of the foreseeable implications of debottlenecking or an expansion in freight volume throughput at the Port. The Draft Report must also be revised to fully address, disclose, and mitigate the significant environmental effects of the Project, including the operational impacts of expanding freight activity at the Port, as well as impacts on air quality, climate change and greenhouse gas emissions, water quality impacts, and endangered species and marine mammal impacts, as described above.

We urge the Corps to fulfill its duties under NEPA and the CWA by withdrawing the flawed Draft Report and FONSI, and issuing a meaningful draft EIS

[213] See generally 33 C.F.R. § 320.1 to 320.4; see also 33 U.S.C. § 1341.
[214] 33 C.F.R. § 320.4(a)(1).

that informs the public, and particularly communities most impacted by the Project, about the associated impacts of widening the Turning Basins, and proposes meaningful mitigation measures. The Corps should expand public comment opportunities to ensure that these proposals can be vetted by members of the public.

Thank you for your consideration of these comments, and please do not hesitate to reach out if you have any questions.

Signed,

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INDEX OF ATTACHMENTS IN SUPPORT OF COMMENTS

WOEIP, Earthjustice, Sierra Club, Union of Concerned Scientists, & Center for Biological Diversity submit the following documents into the record regarding the Oakland Harbor Turning Basins Widening Project together with their February 14, 2022 comments. All attachments listed below are viewable and downloadable at the following link:

https://earthjustice.sharefile.com/d-s0bbb84e31cea4941b0d19d6e7170f149

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Exhibit C

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VIA ELECTRONIC SUBMISSION

Mr. Eric Jolliffe, Environmental Planner
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June 16, 2023

RE: Comments on Oakland Harbor Turning Basins Widening Navigation Study; Revised Draft Integrated Feasibility Report and Environmental Assessment

Dear Mr. Jolliffe:

We submit this letter on behalf of West Oakland Environmental Indicators Project ("WOEIP"), Center for Biological Diversity, Sierra Club, West Oakland Neighbors, Environmental Defense Fund, and Pacific Environment to comment on the U.S. Army Corps of Engineers' issuance of a Revised Draft Integrated Feasibility Report and Environmental Assessment ("Revised Draft EA") for the widening of the Oakland Harbor Turning Basins (the "Project") on April 26, 2023.[1]

In this Revised Draft EA, the Army Corps has added several new written sections to its original December 2021 draft Integrated Feasibility Report and Environmental Assessment (the "December 2021 Draft EA"), including an analysis on the potential for induced growth, greenhouse gas emissions analysis, a health risk assessment, and a Clean Water Act section

[1] We refer throughout these comments to the Revised Draft EA and associated appendices located here: https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Current-Projects/Oakland-Harbor-Turning-Basins-Widening/ (last accessed June 16, 2023).

404(b)(1) analysis. Members of our coalition previously identified each of those analyses as missing or insufficiently considered.

However, even with those modifications, the Army Corps has not adequately considered the impacts of expanding the Turning Basins on the nearby community. We have attached our February 14, 2022 Coalition Comment Letter to this submission as **Exhibit A** and are incorporating its contents and appendices by reference into these comments. Except as noted below, the issues identified in our prior letter all remain areas of concern in the Revised Draft EA. We urge the Corps to address the remaining omissions and deficiencies before moving forward with the Project.

In these comments, we identify a series of errors and omissions of analysis that violate the National Environmental Policy Act ("NEPA"), including a failure to scope the Project appropriately or to consider reasonably foreseeable operational impacts (Section I.A); an incomplete analysis of whether the expansion of the Turning Basins will induce growth (Section I.B); a failure to adequately analyze potentially significant and reasonably foreseeable environmental impacts, including to air quality, environmental justice communities, greenhouse gas emissions, regional wildlife, and dredging (Section I.C); an inadequate demonstration of the need for the Project (Section I.D); a failure to consider less impactful alternatives to the expansion of both Basins (Section I.E); and an inadequate analysis of reasonable mitigation measures (Section I.F). EJC-111

We are also increasingly concerned about the Corps' decision to move forward with a National Environmental Policy Act ("NEPA") analysis separate from the Port of Oakland's forthcoming California Environmental Quality Act ("CEQA") analysis (Section I.G). Throughout the Revised Draft EA, the Corps identifies multiple potentially significant impacts that may require mitigation, but disclaims responsibility for developing those mitigations. The Corps' decision to separate the NEPA and CEQA processes makes public review more challenging, requires members of the public to expend additional time to review each of the separate environmental documents and supporting materials, and leaves community members in the dark about which entities will take responsibility for which aspects of mitigation. Finally, the Corps has also failed to engage meaningfully with the local community, as described in Section I.H below.

We urge the Army Corps to withdraw the Revised Draft EA and develop a full draft Environmental Impact Statement (EIS) for public review, on a timeline that would run concurrently with the Port's forthcoming CEQA process, to enable members of the public to participate more meaningfully and efficiently in both processes.

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I. The Revised Draft EA Fails to Comply with the National Environmental Policy Act

The Corps' Revised Draft EA fails to pass muster under NEPA. NEPA requires that agencies must take a "hard look" at the environmental impacts of their actions before the actions occur.[2] "General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."[3] The "'hard look' 'must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.'"[4]

Furthermore, when an EA indicates that the federal action "may" significantly affect the quality of the human environment, the agency must prepare an EIS.[5] "A determination that significant effects on the human environment will in fact occur is not essential. If substantial questions are raised whether a project may have a significant effect upon the human environment, an EIS must be prepared."[6]

As described below, the Corps failed to disclose or analyze myriad reasonably foreseeable impacts from expansion of the Turning Basins. Because of these flaws, we urge the Corps to withdraw the Revised Draft EA and instead issue a complete Environmental Impact Statement that complies with NEPA. EJC-111

A. *The Revised Draft EA is Still Scoped Too Narrowly and Fails to Disclose or Analyze Reasonably Foreseeable Project Impacts*

The scope of the Corps' analysis in the Revised Draft EA is flawed in two distinct but related ways. First, the Corps still focuses too narrowly on construction impacts associated with expanding the Basins. The Corps fails to disclose or analyze the reasonably foreseeable operational impacts that visitation by ultra-large container vessels—and ongoing Port operations to host those vessels—could bring to adjacent neighborhoods. Second, the Corps inappropriately defines the physical scope of the Project to encompass only a one-mile radius that is too narrow to capture potentially significant adverse environmental and human health impacts in the broader San Francisco Bay region.

As members of our coalition emphasized throughout our February 2022 Coalition Comment Letter, this is *not* a mere isolated construction project: the widening of the Basins is inextricably tied to the commercial operations of a busy maritime port that consistently ranks among the top ten busiest ports in the United States. The Corps' Project implicates the entire Port of Oakland's operations, with corresponding impacts on the Port's use of physical space, deployment of cargo handling equipment, and the truck and rail traffic required to coordinate

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[2] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).
[3] *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998).
[4] *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011).
[5] *Anderson v. Evans*, 371 F.3d 475, 488 (9th Cir. 2004).
[6] *Found. for N. Am. Wild Sheep v. U.S. Dep't of Agric.*, 681 F.2d 1172, 1178 (9th Cir. 1982) (internal citation omitted).

arrival and departure of cargo with the berthing of each ultra-large container vessel (ULCV).[7] Indeed, the Corps admits that the Project would "allow large vessels to call [at the Port] more frequently."[8]

It is fundamentally inconsistent for the Corps to state that expanding the Basins would achieve "*operational* efficiency for vessels entering and exiting the Port"[9]—but then simultaneously disclaim that it has any obligation under NEPA to analyze the Port's operations themselves. The Corps cannot have it both ways. Because the Corps admits the proportion of ultra-large vessels will increase if this Project moves forward, it is obligated under NEPA to analyze the reasonably foreseeable impacts on Port operations. Analysis of all reasonably foreseeable impacts is a crucial aspect of an agency's compliance with NEPA before it may pursue any federal action.[10]

Our February 2022 Comment Letter explained that NEPA requires the Corps to consider the reasonably foreseeable operational impacts on the Port.[11] Numerous other agencies shared our concerns, including the California Office of the Attorney General,[12] the U.S. Environmental Protection Agency (EPA),[13] the Bay Area Air Quality Management District (BAAQMD),[14] and

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[7] We use the industry term ULCV throughout these comments to refer to vessels that are Post-Panamax Generation III or Generation IV, with over ~15,000 twenty-foot equivalent units (TEUs), although there is no universally adopted TEU threshold for ULCVs.

[8] Revised Draft EA at v.

[9] See, e.g., Revised Draft EA at 157, 166.

[10] 40 C.F.R. § 1508.1(g); see 40 C.F.R. § 1501.2(b)(2); *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1075-77 (9th Cir. 2002); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998).

[11] See generally February 2022 Coalition Comment Letter, Exh. A at 6-13.

[12] Cal. Dep't of Justice, Office of the Attorney General, Letter to Eric Jolliffe, Comments on Oakland Harbor Turning Basins—Draft Integrated Feasibility Report and Draft Environmental Assessment (hereinafter "California Attorney General Comments") (May 9, 2022), at 5-7, 12-13; *id.* at 6-7 (critiquing the Corps' decision to omit analysis of the Project's operational impacts, and noting the lack of evidence supporting the Corps' assumption that there will be no change in operations at the Port following construction of the Project).

[13] U.S. EPA, Region IX, Letter to Eric Jolliffe, Comments on the Oakland Harbor Turning Basins Widening Navigation Study, Draft Integrated Feasibility Report / Environmental Assessment, Alameda County, CA (hereinafter "EPA Comments") (Feb. 14, 2022), at PDF p. 2 (encouraging the Corps to "work with the Port of Oakland to analyze and disclose how the resulting container movement efficiencies would influence the timing, scope, and location of port and freight throughput operations"); see *id.* at PDF p. 5.

[14] Bay Area Air Quality Mgmt. Dist. ("BAAQMD"), Letter to Eric Jolliffe, Comments on Oakland Harbor Turning Basins Widening Navigation Study Project Draft Integrated Feasibility Report and Environmental Assessment (hereinafter "BAAQMD Comments") (Feb. 14, 2022) at 3 (recommending that the Corps should analyze "all potential operational phase emissions, including any changes in emissions due to changes in vessel activity during ship calls, changes in types of vessels calling at the Port, increased ship calls, and any increased use of off-road equipment and on-road truck trips" and that the Corps should "[c]omplete an analysis of air quality impacts of the [Turning Basins] Project's operational phase, including a cumulative analysis that considers all reasonab[ly] [sic] foreseeable projects with the potential to further burden West Oakland with exposure to emissions . . . .").

the San Francisco Bay Conservation and Development Commission (BCDC).[15] Each of those agencies identified concerns about the improperly narrow scope of the Corps' analysis.

Notwithstanding the chorus of concerns raised about the scope of the Project in response to the December 2021 Draft EA, the Army Corps doubles down in the Revised Draft EA on a narrowly scoped Project. The Corps again analyzes only the construction impacts of the Project, rather than acknowledging that the Turning Basins are inextricably related to Port operations.[16] And, just as before, the Corps inappropriately defines the scope of environmental impacts within only a one-mile radius of the Turning Basins.[17] That constrained approach fails to capture reasonably foreseeable, potentially significant and cumulative environmental impacts that could result from increased visitation at the Port by ultra-large vessels, such as the impacts on air quality, the risk of ship strikes on marine mammals, and the possibility of oil spills, among other things, as discussed more fully in Section I.C below.

The Corps does not satisfactorily explain why it has failed to revisit the scope of the Project. Instead, the Corps' Response to Comments merely restates its original position without providing any additional, meaningful analysis:

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> Dredging and construction will indeed be the primary source of emissions attributable to the Recommended Plan. The corresponding one-mile radius for environmental impacts from the center of the turning basins is appropriate.[18]

The Corps' refusal to define the scope of the Project appropriately violates NEPA. NEPA requires an agency to provide a complete and accurate description of a proposed federal action.[19] Because the Corps has not done so here, it must revisit its environmental analysis and produce a complete EIS that analyzes all reasonably foreseeable, potentially significant, and cumulative impacts with an appropriate scope.

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[15] San Francisco Bay Conservation and Development Commission ("BCDC"), Letter to Eric Jolliffe, Comments on Draft Integrated Feasibility Report and Environmental Assessment for the Oakland Harbor Turning Basins Widening Navigation Study (hereinafter "BCDC Comments") (Feb. 14, 2022) at 2-3 (recommending that the Corps undertake a "more comprehensive and holistic analysis" of the Project and urging the Corps to consider indirect impacts).

[16] See, e.g., Revised Draft EA, "App'x A4a: Air Quality Applicability Assessment" at 1 ("The purpose of this memorandum is to assess, for use in National Environmental Policy Act (NEPA) documentation, the impact that air emissions *related to project construction* have on air quality in the region.") (emphasis added); see also Revised Draft EA, "App'x A4b: Draft Health Risk Assessment" at 2 ("This Health Risk Assessment (HRA) was prepared to evaluate the increase in health risks to nearby receptors *from exposure to construction emissions* . . . .").

[17] See, e.g., Revised Draft EA at 34 ("The 1-mile radius is intended to account for potential construction traffic impacts in the areas closest to the construction sites."); Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 126 at PDF pp. 17-18 (stating that "blue and humpback whales are not expected in the immediate Project area" despite the presence of whales in the San Francisco Bay).

[18] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 101 at PDF p. 9.

[19] *E.g., Aberdeen & Rockfish R.R. Co. v. Students Challenging Regulatory Agency Procedures*, 422 U.S. 289, 322 (1975) ("In order to decide what kind of an environmental impact statement need be prepared, it is necessary first to describe accurately the 'federal action' being taken.").

B. *The Revised Draft EA's Induced Growth Analysis Fails to Contextualize the Project amidst the Port's Present Efforts to Expand*

The Corps asserts that expansion of the Basins will not increase cargo throughput, but it fails to consider this Project in context alongside the Port's current efforts to expand its capacity. The Corps claims that the Port's berth constraints and yard constraints will limit any increase in twenty-foot-equivalent unit (TEU) throughput, flatly offering the conclusory point that expanding the Turning Basins "cannot change the number of vessels able to berth at a single time, nor change the constraints of the yard."[20]

The Corps ignores the fact that the Port is presently seeking the very landside expansions that could enable greater growth and an increase in cargo throughput, especially if the Turning Basins are expanded. For example, in May 2022, the Port submitted a successful grant application to the U.S. Department of Transportation's Maritime Administration (MARAD), seeking more than $36 million to develop one of its terminals to provide "expansion opportunities for increased container capacity."[21] The terminal that will receive those upgrades is called the Outer Harbor Terminal, which is immediately adjacent to the Outer Turning Basin that the Corps seeks to expand with this Project.[22] MARAD awarded the Port the grant money it sought in October 2022.[23] EJC-111

Similarly, in January 2023, the Port submitted a grant application to the California State Transportation Agency (CalSTA) for a "Terminal Modernization Project" that seeks to dedicate about $177 million toward improvements at the Outer Harbor Terminal that facilitates the berthing of ULCVs.[24] With the money from a CalSTA grant, the Port seeks to "create seamless new berth capacity for ULCVs," "free up valuable real estate that can be used for terminal expansion," and "increase its container handling capacity."[25]

As these grant applications demonstrate, the Port is already pursuing precisely the type of growth that would complement an expansion of the Basins. If all of these projects continue to move forward simultaneously, it could facilitate growth at the Port by increasing container

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[20] Revised Draft EA at 151.

[21] See generally Port of Oakland, "FY 2022 Port Infrastructure Development Program (PIDP) Grant: Outer Harbor Terminal Redevelopment" (submitted May 16, 2022 to U.S. MARAD), https://www.portofoakland.com/wp-content/uploads/Project-Narrative_1_PIDP_Port-of-Oakland_5-16-22.pdf.

[22] *Id.* at 1; see Revised Draft EA at 13 [map].

[23] U.S. MARAD, "Biden-Harris Administration Announces More Than $703 Million to Improve Port Infrastructure, Strengthen National Supply Chains, Lower Costs" (Oct. 28, 2022), https://www.maritime.dot.gov/newsroom/biden-harris-administration-announces-more-703-million-improve-port-infrastructure; U.S. MARAD, "FY 2022 Port Infrastructure Development Grant Awards" (Oct. 28, 2022) at 2, https://cms.marad.dot.gov/sites/marad.dot.gov/files/2022-10/FY%202022%20Port%20Infrastructure%20Development%20Grant%20Awards.pdf.

[24] See generally Port of Oakland, "FY 2022 Port and Freight Infrastructure Program (PFIP): Terminal Modernization Project" (submitted Jan. 13, 2023 to Cal. State Transportation Agency), https://www.portofoakland.com/wp-content/uploads/CalSTA-PFIP_Terminal-Modernization-Narrative_Final_01-13-23.pdf.

[25] *Id.* at 6, 16, and 7, respectively.

throughput. Billions of dollars in federal funding have been made available for these and other infrastructure upgrades throughout the country due to the passage of the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022. The grants the Port is pursuing are likely the first of many that could facilitate an expansion in cargo throughput. If not adequately mitigated, such an expansion of Port activity will increase air pollution and cause harm to the communities living adjacent to the Port. The Corps' conclusory assertion that the Port has berth and yard constraints thus takes an unnecessarily myopic view of the operational landscape.

We urge the Corps to revisit its induced demand analysis and take a hard look at the expansion of the Turning Basins in the appropriate context: as a physical modification to Port property, in an environment in which the Port is simultaneously seeking funding to expand its own landside capacity, while operating next to a disproportionately burdened community that is already disproportionately burdened by air pollution and truck traffic.

C. *The Revised Draft EA Does Not Adequately Analyze Significant or Cumulative Impacts of the Project*

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The Corps' Revised Draft EA fails to consider a series of reasonably foreseeable, significant and cumulative impacts stemming from the Project. Most of these errors stem from improper scoping, as discussed above. Most centrally, the Army Corps inappropriately disclaims responsibility for all landside impacts, theorizing that "[t]he pressures of larger ships, whether [Post-Panamax Generation III] or ULCVs, exist independent of the Recommended Plan."[26] That statement by the Corps relies on the false idea that the expansion of the Basins is somehow divorced from the operation of the Port itself.

As outlined below, we have deep concerns that the Corps has not taken a sufficiently hard look at the actual impacts of expanding the Basins, including the impacts: (1) on air quality, (2) on disproportionately burdened communities, (3) on greenhouse gas emissions and global climate, (4) on regional wildlife, and (5) from dredged material, as described in each of the following five subsections. Because of these omissions, the Corps' Revised Draft EA fails to comply with NEPA.

1. Impacts on Air Quality

The air quality analysis in the Revised Draft EA is flawed: (a) the Corps fails to undertake any analysis of vessel emissions from ULCVs; (b) the Corps fails to consider the impacts of ULCV visitation on regional cargo movement through Northern California; (c) the Corps improperly relies on the General Conformity thresholds, (d) the Corps fails to consider the emissions impacts from an increased degree of maintenance dredging; and (e) the Corps' responses to public comments fail to meaningfully justify its decision to pursue the Project.

[26] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 105d at PDF p. 11.

a. *Failure to Analyze Vessel Emissions Profile of ULCVs*

First, the Revised Draft EA nowhere analyzes the vessel emissions profile of a Post-Panamax Generation III or Generation IV ULCV when it berths at the Port of Oakland. This represents a glaring omission, considering that the Corps repeatedly admits this Project will bring such vessels to the Port more frequently than before.[27] And its failure to analyze emissions is especially problematic because it is already well established that ocean-going vessels are the largest source of diesel particulate matter at the Port, and that they contributed to more than three-quarters of all nitrogen oxides (NO_x) emissions at the Port in 2020.[28]

Even if the Revised Draft EA is correct that the introduction of ULCVs will reduce the total annual number of vessel visits, the Corps did not properly analyze the air quality impacts that increased visitation by ULCVs could produce.

Numerous scientific articles have identified emissions issues with newer containership vessels operating at slow speeds. While containerships sometimes operate at slower vessel speeds to reduce fuel consumption and limit carbon dioxide emissions (a practice known as "slow steaming"), a growing body of research indicates that NO_x emissions in such vessels may be higher when operating at slower engine loads. EJC-111

For example, a technical paper published in April 2018 in the Journal of the Air and Waste Management Association analyzed the emissions for two groups of post-Panamax container ships operating in a "slow steaming" mode: one group that satisfied the Tier I emissions limits, and another that satisfied the Tier II emissions limits.[29] The authors reported their conclusions: "at slow steaming, the diesel engine presumed to meet the Tier II limits actually emitted more NO_x than its certification value"—meaning, the amount a vessel can be expected to emit based on its tier status.[30] The authors calculated that the standard predicted NO_x emissions rates underestimated actual logged emissions by 21.9%. Furthermore:

> Although total NO_x emissions at slow steaming are undoubtedly lower than those at fast steaming, *higher emissions at lower power cause an underestimation of the*

[27] See Revised Draft EA at 30 ("[A] future with [the Turning Basins] project would allow the maritime industry to take advantage of more PPX Gen IV vessels that have larger TEU capacity, as shown in the vessel call projections."); see also *id.* at 116 ("Widening the turning basins would allow . . . for the ULCVs to call the Port of Oakland more frequently."); see also *id.* at 143 (stating the Project would "allow large vessels to call more frequently").

[28] Port of Oakland, 2020 Seaport Air Emissions Inventory: Final Report (hereinafter "2020 Seaport Emissions Inventory") at 79-82 (Nov. 2021), https://www.portofoakland.com/files/PDF/Port%20Oakland%202020%20Emissions%20Inventory%20Final%20Report.pdf.

[29] See generally Cheng, Chih-Wen, et al., "Nitrogen oxide emission calculation for post-Panamax container ships by using engine operation power probability as weighting factor: A slow-steaming case," 68 J. Air & Waste Mgmt. Ass'n 6 (Apr. 2018), pp. 588-597, https://doi.org/10.1080/10962247.2017.1413440.

[30] *Id.*

actual total NO_x emissions when the total NO_x emissions from slow steaming are calculated using the certification value.[31]

In other words, such vessels are underperforming and over-polluting relative to the predicted amount of emissions that should be expected of a vessel based on its tier.

More recent studies likewise indicate that newer containerships operating at slow speeds may produce excessive NO_x. A Technical Memorandum produced in 2022 for the South Coast Air Quality Management District found that 56% of Tier II containerships exceed the expected NO_x emission factors for their tier status, meaning that "*there is a risk of a general underestimation of the NO_x contribution* from [slow-speed diesel] [ocean-going vessels]," particularly at lower [engine] loads.[32] And a September 2022 article in Atmospheric Pollution Research reached a similar conclusion: "NO_x emissions for Tier II [ocean-going vessels], *contrary to what might be expected, are on average higher* than those for Tier I [ocean-going vessels]."[33]

The Corps did not consider any of this research in its Revised Draft EA. It did not consider vessel emissions at all. EJC-111

The expert report of Dr. Edward Carr (attached as **Exhibit B**, hereinafter "Carr Report") addresses the omissions in the Corps' analysis and performs a vessel emissions profile for a typical ULCV visit at the Port of Oakland. The results corroborate what the scientific literature suggests: when ULCVs running on Tier III engines operate at extremely low speeds below 25% of their engine capacity, their NO_x emissions drop down to levels closer to Tier II emission rates—in other words, more than *four times greater* than what is allowable under Tier III.[34] Put more simply, larger containerships running on newer engines at very low speeds may actually be polluting (emitting NO_x) at a much higher rate than anticipated, according to the Carr Report.

These findings regarding emissions at low vessel speed are not merely academic: very low speeds are common—and indeed, become necessary—in each containership's approach to Oakland Harbor. Most containerships arriving to the Bay Area are already operating at low speeds as they approach. Many such vessels practice slow-steaming to economize fuel consumption, and others operate at reduced speeds because the area outside of the San Francisco Bay is part of a vessel speed reduction zone intended to reduce the impact of ship strikes on

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[31] *Id.*

[32] Knudsen, Bettina, et al., "Technical Memorandum, Contract No. 21222: Evaluating NOx Emission Inventories for Ocean-Going Vessels Using Real Emissions Data," Explicit ApS (Sept. 2022) at 37, http://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/explicit-aps-contract-no-21222.pdf (emphasis added).

[33] Van Roy, Ward, et al., "Airborne monitoring of compliance to NO_x emission regulations from ocean-going vessels in the Belgian North Sea," 13 Atmospheric Pollution Research (Sept. 2022), https://doi.org/10.1016/j.apr.2022.101518 (emphasis added).

[34] See Carr, Edward W., Energy and Environmental Research Associates, "Oakland Harbor Turning Basins Widening: Peer review services for evaluating Air Quality, Emissions, and Economic Analysis: Operations and Emissions" (hereinafter "Carr Report") (June 12, 2023) at 10.

whales.[35] Even if a vessel does not adhere to speed reductions in the open ocean, all vessels must invariably lower their speeds to pass safely under the Golden Gate Bridge and navigate through the Bay, under the Bay Bridge, and into the Oakland Harbor. The Carr Report includes visual maps based on Automatic Identification System (AIS) data demonstrating the average speed of two containership vessels (of 16,000 and 19,000 TEU capacity) as each recently transited through the San Francisco Bay before berthing at the Port of Oakland. The Carr Report shows that such vessels travel at speeds at or below twenty percent of their engine loads shortly after passing under the Golden Gate Bridge and continue operating at lower speeds until berthing at the Port of Oakland.[36]

What this means in practice is that even the newest Tier III ULCVs visiting the Port will be emitting NO_x at higher-than-projected levels (more closely approximating the emissions of Tier II vessels) in every approach to and departure from the Port of Oakland and the already disproportionately exposed landside community. And because the expansion of the Basins will enable ULCVs to visit the Port more frequently, NO_x emissions could increase even further as a result of the Project.

These findings are particularly troubling because emissions of NO_x are directly linked to the formation of ozone (smog). Given West Oakland's disproportionate air pollution burden and Alameda County's nonattainment status for ozone,[37] any increase in the amount of NO_x caused by increased visitation by ULCVs will cause further harm to local residents and reduce the region's ability to meet national ambient air quality standards. The Corps entirely failed to consider this possibility in its Revised Draft EA. EJC-111

The Carr Report also indicates that visitation by ULCVs can produce substantial particulate matter emissions. Specifically, each visit by a Tier II vessel of about 19,000 TEU can be expected to emit a *minimum* of 0.02 metric tons—roughly 44 pounds—of PM_{10} (particulate matter 10 microns or less in diameter) on its visit through the San Francisco Bay.[38] (As the Carr Report notes, for ocean-going vessels, 92% of PM_{10} is comprised of $PM_{2.5}$—the most dangerous type of particulate matter pollution to human health.)

Embedded in this estimate are the conservative assumptions that the ULCV is able to pull directly into the berth, requires limited maneuvering, spends no time at the anchorage, and plugs

[35] Vessels over 300 tons are advised to limit speeds to 10 knots or less under the program. See Nat'l Oceanic and Atmospheric Admin., Greater Farallones National Marine Sanctuary, "Vessel Speed Reduction to Protect Whales" (n.d.) (hereinafter NOAA, "Vessel Speed Reduction"), https://farallones.noaa.gov/eco/whales/vessel-speed-reduction.html.

[36] Carr Report, Exh. B at 4 & Figure 2; also see 7 & Figure 3.

[37] See February 2022 Coalition Comment Letter, Exh. A at 24 (discussing Alameda County's status in marginal nonattainment for national 8-hour ozone 2008 and 2015 standards, and moderate nonattainment for 24-hour $PM_{2.5}$ 2006 standards).

[38] Carr Report, Exh. B at 6 & Table 5. In accordance with the Port of Oakland 2020 Seaport Air Emissions Inventory, emissions are calculated for the duration of time in the San Francisco Bay, beginning when a vessel passes under the Golden Gate Bridge inbound and outbound. Per EPA's port inventory guidance, $PM_{2.5}$ makes up 92% of PM_{10} for ocean-going vessels. See Carr Report, Exh. B at 5, n.4.

into the Port's shore power system upon arrival—even though none of those are guaranteed for any vessel.[39] If a ULCV were unable to pull directly into the berth and were sent to anchorage, it would continue to produce NO_x, fine particulate matter ($PM_{2.5}$) and CO_2 at an hourly rate; the same holds true for a ULCV that fails to plug into shore power and continues to run its auxiliary engines while at berth.[40] Furthermore, these calculations do not consider the emissions from any tugs or support vessels required to support the ULCV's berthing or visitation at the Port. In other words, this calculation represents a lower-bound (i.e., best case) estimate for public health purposes. In practice, actual emissions for each vessel's visit could be—and very often likely are—much higher.

Because the Army Corps failed to analyze the emissions profile of ULCVs or the air quality impacts of bringing ULCVs to the Port more frequently, the Corps must withdraw the Revised Draft EA and produce a full EIS that properly analyzes the air quality impacts that are foreseeable when ULCVs visit the Port of Oakland.

b. *Failure to Consider Impacts of ULCV Visitation on Cargo Movement through the Port and into Northern California*

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The Army Corps' Revised Draft EA also makes no effort to address our previously stated concerns about the foreseeable impacts that increased ULCV visitation is likely to have on cargo movement through the region: including cargo handling within the Port, truck and rail trips to and from the Port, and traffic flow impacted by such trips.

The Carr Report identifies several ways in which cargo movement from ULCVs is likely to produce congestion and worsen air quality, which the Corps entirely failed to consider.

First, the arrival of a ULCV at the Port "may actually reduce the rate at which cranes load and unload cargo, as the distances traversed [by cargo handling equipment] are larger and therefore container move cycles are longer."[41] That finding is supported by other scientific literature, which likewise indicates that larger ships generally require additional time to unload larger volumes of cargo,[42] which could result in other ships "queuing" at anchorage or waiting to enter the harbor. As we noted in our February 2022 Coalition Comment Letter, congestion caused by a supply chain backlog in 2021 led to a substantial emissions increase from freight-related sources, specifically from auxiliary engines used to power vessels at anchor waiting to call on the Port.[43] At-anchor emissions from congestion-related delays caused an emissions

[39] See Carr Report, Exh. B at 8. As discussed more fully in Section I.C.3 below, rates of shore power usage at the Port of Oakland fall well below 100%. In 2022, the Port achieved shore power plug-in for only 62% of vessels.
[40] Carr Report, Exh. B at 5 & Table 4.
[41] *Id.* at 12.
[42] Jungen, Hendrik, et al., "The Rise of Ultra Large Container Vessels: Implications for Seaport Systems and Environmental Considerations," *Dynamics in Logistics* 249-275 (2021) at 258-59, https://link.springer.com/chapter/10.1007/978-3-030-88662-2_12.
[43] February 2022 Coalition Comment Letter, Exh. A at 11.

increase of 5.2 tons per day of NO_x and 0.14 tons per day of particulate matter at the Port.[44] The Corps failed to consider the reasonably foreseeable possibility that larger vessels could impact cargo operations.

Second, the Carr Report notes that the introduction of a "pulse" of containers when a ULCV arrives "may strain yard and cargo handling capabilities if not properly prepared," and "labor demand may be more episodic, correlated with the arrival of large ships that introduce more demand peaks."[45] Those impacts could then cascade out into delays for trucks and rail, on which the Port depends to transport cargo out of the Port and away from West Oakland. These potential "congestion effects" may occur if terminal operators at the Port are unprepared to handle an influx in TEU flow from a ULCV—because "pulses in TEUs may require longer gate hours and additional truck operators to efficiently move the cargo."[46] The Corps did not consider any of these reasonably foreseeable possibilities in its Revised Draft EA.

We reiterate the points raised in our February 2022 Coalition Comment Letter regarding the negative potential impacts that ULCV visitation could have on cargo handling in the Port, truck trips through neighborhoods, parking access issues, and traffic flow through the West Oakland community.[47] The Corps violated NEPA by failing to consider these potentially significant and reasonably foreseeable environmental impacts in its Revised Draft EA. EJC-111

c. *Improper Reliance on the General Conformity Thresholds*

The Corps also inappropriately relied on the General Conformity thresholds in its Air Quality Applicability Assessment (Appendix A4a), rather than the more specific regional criteria that are more protective of public health. BAAQMD, the regional agency tasked with regulating air quality to protect the public's health, warned the Corps in its February 2022 comments that it did not believe that reliance on General Conformity *de minimis* thresholds of 100 tons per year was an appropriate threshold "for identifying potentially significant local and regional air quality impacts."[48] EPA raised similar concerns, stating that it recognized "the need for immediate identification and implementation of additional, robust measures to achieve the cleanest air quality and improve public health in the region."[49] EPA encouraged the Corps to "support all additional project design changes and mitigation measures that would result in improved air quality."[50]

We too are troubled by the Corps' decision to measure air quality impacts based on the less environmentally protective General Conformity thresholds rather than the regional air quality standards. This is particularly concerning given that Port projects, such as this one,

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[44] CARB, "Emissions Impact of Recent Congestion at California Ports" (Sept. 13, 2021), https://ww2.arb.ca.gov/sites/default/files/2021-09/port_congestion_anchorage_locomotives_truck_emissions_final_%28002%29.pdf.
[45] Carr Report, Exh. B at 12-13.
[46] *Id.* at 14.
[47] See generally February 2022 Coalition Comment Letter, Exh. A at 6-13, 25.
[48] BAAQMD Comments, *supra*, at 2.
[49] EPA Comments, *supra*, at PDF p. 4.
[50] *Id.*

disproportionately impact the health and wellbeing of already overburdened, environmental justice communities. Under the Biden Administration's recently issued executive orders, agencies are required to implement strategies that will "yield equitable outcomes . . . for underserved communities."[51] Failing to utilize more protective regional criteria does not accomplish these goals. We therefore reiterate the concerns identified by BAAQMD and EPA in their comments on the December 2021 Draft EA, and urge the Corps to adequately address this concern in an Environmental Impact Statement.

d. *Failure to Consider Maintenance Dredging*

The Army Corps also fails to consider the increased emissions due to an increased quantity of annual maintenance dredging. The Revised Draft EA observes that it expects an expansion of the Basins will "require an additional 93,000 cubic yards of material to be removed every year as regular operation and maintenance."[52] However, the Port of Oakland's 2020 Seaport Air Emissions Inventory notes that all annual maintenance dredging is performed by diesel-powered dredges, and supported by diesel-powered tugs that transport dredged material via barge to various disposal sites throughout the San Francisco Bay.[53] Because the Corps fails to analyze the operational impacts of the expansion of the Turning Basins, this represents yet another air quality impact that went unstudied in the Revised Draft EA. EJC-111

e. *Deficient Response to Public Comments*

The Army Corps' Response to Public Comments on air quality is deficient in several respects. Most concerningly, the Corps fails to respond in any meaningful way to concerns that multiple commenters raised about $PM_{2.5}$ and ozone pollution. Instead, the Corps incorrectly recharacterized most of our coalition's concerns as though they were premised exclusively on concerns around greenhouse gases and climate impacts.[54] These responses are unsatisfactory and fail to meet the Corps' obligations under NEPA.

The Corps' Response to Public Comments also incorrectly assumes that vessels berthing at the Port categorically do not produce emissions. The Corps speculates that "docked ships are on shore power, therefore they do not contribute to GHGs while docked."[55] But as discussed in Section I.C.3 below, the Port only achieved a 62% shore power plug-in rate in 2022. All vessels not plugged in to shore power remain reliant on diesel-burning auxiliary engines to maintain their on-board operations. (This example also demonstrates the Corps' improper focus in its

[51] E.O. 14091, "Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government" (Feb. 16, 2023) at § 3, https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/; see also E.O. 14096, "Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All" (Apr. 21, 2023), https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/.

[52] Revised Draft EA at 145.

[53] 2020 Seaport Emissions Inventory at 33.

[54] See, e.g., Revised Draft EA, "App'x A10c: Response to Public Comments," Comments 111-116 at PDF pp. 13-14 (referring only to GHGs and not mentioning particulate matter or ozone).

[55] See Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 111 at PDF p. 13.

Response document exclusively on greenhouse gases, rather than responding to commenters' concerns about particulate matter and ozone.)

2. Impacts on Environmental Justice Communities

The Corps fails to properly account for the environmental justice impacts of this Project on disproportionately burdened communities like West Oakland. The Revised Draft EA frames the Turning Basins expansion as an air quality improvement project that will lead to "decreased emissions" and "benefits to the environment and the surrounding communities."[56] Yet despite numerous comments from the public, concerned residents, and a range of agencies like U.S. EPA, BAAQMD, BCDC, and the California Office of the Attorney General, the Corps failed to update its analysis in this Revised Draft EA to either analyze or disclose the full scope of reasonably foreseeable emissions impacts to nearby communities.[57] The Corps' failure to analyze the reasonably foreseeable operational impacts of the proposed Project violates NEPA.

The Corps' decision to narrowly focus on construction impacts while completely ignoring potential impacts to Port operations from this Project continues to skew the analysis. As discussed in our February 2022 Coalition Comment Letter, the Corps must take a hard look at all environmental consequences of this Project and any potential alternatives *particularly because* it acknowledges increased harms to neighboring communities.[58] As part of this obligation, the Corps must first provide a complete and accurate description of the Project that does not unreasonably narrow the scope or inappropriately discount reasonably foreseeable impacts to nearby communities of color and other low-income communities disproportionately impacted by environmental harms.[59] EJC-111

The Revised Draft EA makes clear that the Project will facilitate more visits from vessels with the capacity to carry more than 19,000 TEUs, nearly triple the size of most vessels that currently visit the Port, and this Project will require an additional 93,000 cubic yards of material to be dredged annually. By entirely ignoring landside impacts, the Corps fails to consider how the additional cargo handling equipment, trucks, and rail use needed during these ULCV visits will have real-world impacts in surrounding disproportionately burdened communities like West Oakland.

In its 2022 State of the Air report, the American Lung Association ranked the Oakland area as the fourth most polluted in the U.S. for daily and year-round particle pollution.[60] And the West Oakland Community Action Plan modeling demonstrates that ship maneuvering and berthing are among the top contributors to cancer risk exposure due to emissions of $PM_{2.5}$ and

[56] See, e.g., Revised Draft EA at 111, 160.
[57] See, e.g., U.S. EPA Comments, *supra*, at PDF p. 5; see also BCDC Comments, *supra*, at 3; BAAQMD Comments, *supra*, at 3; California Attorney General Comments, *supra*, at 5-8.
[58] *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 374 (1989); *California v. Bernhardt*, 472 F. Supp. 3d 573, 620 (N.D. Cal. 2020).
[59] *Aberdeen & Rockfish R.R. Co.*, *supra*, 422 U.S. at 322.
[60] American Lung Association, "State of the Air 2022," at 13, 15, https://www.lung.org/getmedia/74b3d3d3-88d1-4335-95d8-c4e47d0282c1/sota-2022.pdf.

diesel particulate matter.[61] As these sources indicate, West Oakland is still grappling with a toxic legacy of environmental racism that disproportionately burdens residents with many different and dangerous pollution sources, many of them stemming from Port activity.[62]

In addition to entirely ignoring operations impacts, the Corps' limited analysis of construction impacts is also unreasonably constrained. The Revised Draft EA ignored extensive public comments to consider more than a small one-mile radius from each of the Turning Basins. This decision continues to leave out most of the directly adjacent 6.5-square-mile neighborhood of West Oakland. By comparison, the City of Oakland's draft Environmental Justice Element for its 2045 General Plan Update identifies 48 total census tracts as environmental justice communities in Oakland alone, and maps out sensitive land uses across Oakland and other local communities.[63] The Corps must reconcile its analysis with these sources that are directly relevant to the Project area and are more protective of public health and safety.

Finally, the lack of a comprehensive emissions analysis for a ULCV visit limits the Corps' understanding of the impacts of these vessels on local communities. Taking the requisite hard look at all significant environmental justice impacts under NEPA inherently requires an analysis of these cumulative impacts without shortchanging operational changes from the Project. The Corps' disingenuous framing of this proposal as an air quality improvement project for West Oakland therefore ignores key deficiencies in its analysis, which violates NEPA. EJC-111

a. *Failure to Address Disproportionate Impacts and Engage with Local Communities*

The Corps' failure to consider a proper Project area and scope for its analysis, and to consider all reasonably foreseeable impacts, is especially stark given the Biden Administration's recent Executive Orders on racial equity and environmental justice.[64] Adopted in February 2023, E.O. 14091 requires all federal agencies to implement a comprehensive equity strategy "to enable the agency's mission and service delivery to yield equitable outcomes for all Americans, including underserved communities."[65] E.O. 14096, adopted in April 2023, builds on E.O. 14091 and directs agencies to not just identify and avoid but also affirmatively "address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns."[66] Both

[61] BAAQMD & WOEIP, "Owning Our Air: The West Oakland Community Action Plan," Vol. 1 (Oct. 2019) (hereinafter "WOCAP 2019"), https://woeip.org/wp-content/uploads/2020/11/WOEIP-research-Owning-Our-Air-full.pdf.

[62] Fears, D., & Muyskens, J., "City planners targeted a Black community for heavy pollution. Can the damage be undone?" *Washington Post* (May 7, 2023), https://www.washingtonpost.com/climate-environment/2023/05/07/oakland-freeways-environmental-justice/.

[63] City of Oakland, "Public Review Draft: Oakland 2045 Oakland Environmental Justice Element" (Mar. 2023) (hereinafter "Oakland 2045") at p. 2-15 & Figure EJ-8, https://cao-94612.s3.amazonaws.com/documents/EJ-Element_032123-public-review-draft_reduced.pdf.

[64] E.O. 14091; E.O. 14096.

[65] E.O. 14091, § 3.

[66] E.O. 14096, § 3(i).

of the orders require agencies to closely engage with communities to address the impacts of proposed federal actions.[67] By largely reiterating the improperly narrow analysis in the December 2021 Draft EA and ignoring comments from the public and agencies raising significant concerns with this Project, the Corps fails to comply with the E.O.s.

Similarly, the Corps fails to demonstrate how the Project supports the Biden Administration's Justice40 initiative to benefit disadvantaged communities.[68] Without properly accounting for all potential impacts, the Corps also cannot identify and reduce disparate environmental burdens or implement community benefits. Indeed, the Corps appears to ignore its own "Implementation of Environmental Justice and the Justice40 Initiative" Memorandum, which states:

> In *studying, planning, designing, constructing, and operating* USACE Civil Works projects or providing assistance, USACE shall work to meet the needs of disadvantaged communities by reducing disparate environmental burdens, removing barriers to participation in decision-making, and increasing access to benefits provided by Civil Works programs to disadvantaged communities within USACE authorities.[69]

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By entirely ignoring the operations phase despite repeated requests from the public and failing to consult with the West Oakland community to reduce environmental burdens, the Corps fails to "put[] the disadvantaged communities at the front and center of the [Revised Draft EA]."[70]

b. *Failure to Assess Conflicts with Federal, Regional, State, and Local Measures to Address Environmental Justice*

In addition to conflicting with federal environmental justice executive orders and agency policies, the Corps still fails to assess whether the Project conflicts with "the objectives of Federal, regional, State, Tribal, and local land use plans, policies and controls" under NEPA.[71] For example, while the Revised Draft EA now acknowledges the West Oakland Community Action Plan (WOCAP) under California Assembly Bill (AB) 617, it does not incorporate any of the WOCAP's 89 emissions reduction strategies.[72] The Corps also does not address apparent conflicts with specific strategies in the plan for truck flow, congestion, and parking, and impacts from ULCVs.[73] In fact, as reiterated by the California Attorney General, the Project's construction emissions starting in 2027 are inconsistent with the WOCAP's 2025 $PM_{2.5}$ targets.[74]

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[67] E.O. 14091, § 5; E.O. 14096, § 3(vii-viii).
[68] See, e.g., Revised Draft EA at 110.
[69] U.S. Dep't of Army, Memorandum for Commanding General, U.S. Army Corps of Engineers, "Implementation of Environmental Justice and the Justice40 Initiative" (Mar. 15, 2022) at 2, https://planning.erdc.dren.mil/toolbox/library/MemosandLetters/ASACW_FinalInterimEJIG_15March2022.pdf.
[70] *Id.* at 4.
[71] 40 C.F.R. § 1502.16(a)(5); *see also* 40 C.F.R. § 1506.2(d) (stating EIS must also "discuss any inconsistency of a proposed action with any approved State, Tribal, or local plan or law").
[72] See, e.g., Revised Draft EA at 37, 96-97; see generally WOCAP 2019, *supra*.
[73] See, e.g., WOCAP 2019, *supra*, at 6-3, 6-4, 6-23, 6-26.
[74] California Attorney General Comments, *supra*, at 14.

The Revised Draft EA also fails to consider the City of Oakland's 2045 General Plan Update and its Environmental Justice Element, which will implement policies and actions to reduce pollution burdens on Oakland's most vulnerable communities.[75] The Plan and EJ Element include as a goal reducing emissions from Port operations, and call out the need "to study the effects on truck flow and congestion due to increasing visits from larger container ships."[76] As discussed throughout these comments, the Revised Draft EA fails to consider these potential operations phase impacts from the Project.

At the federal level, the Corps has an affirmative obligation to ensure the Port complies with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., which prohibits entities like the Port that receive federal financial assistance from engaging in activities that subject individuals to discrimination on the basis of race, color, or national origin. Yet the Revised Draft EA still fails to provide any meaningful discussion of compliance with Title VI, or evaluate whether facilitating more visits from ULCVs will disproportionately subject communities of color near the Port to additional air pollution and serious health threats on the basis of their race. For example, recent research demonstrates that additional vessel tonnage or vessel visits to a port increases pollution concentrations for major air pollutants within a 25-mile radius, causing additional hospital visits among Black residents in particular.[77] EJC-111

c. *Inadequate Cumulative Impacts Analysis*

The problems in the Corps' analysis are compounded in its consideration and summary dismissal of any cumulative impacts on surrounding communities. Taking the required "hard look" at all significant environmental justice impacts under NEPA inherently requires an analysis of cumulative impacts. As discussed in our comments on the December 2021 Draft EA, communities like West Oakland are designated as disproportionately burdened precisely because of the cumulative nature of the impacts they endure. The Corps must therefore properly analyze the cumulative burdens of this Project together with the air quality, water quality, and public health risks from other reasonably foreseeable projects. These burdens extend far beyond the narrow one-mile construction radius considered in the Revised Draft EA.

The cumulative impacts analysis here consists of a short table of various projects with their status. The Corps does not attempt to estimate the air quality, water quality, noise, or transportation impacts of any of these projects. Instead, the Corps claims these projects, for example, the polluting Eagle Rock facility, will actually lead to improvements for local communities, despite the fact they are mostly industrial and transportation development projects that have long plagued residents. The table also leaves out obvious projects that should be considered in this analysis, including the Schnitzer Steel facility located very near the Inner Harbor Basin that has been subject to legal challenges and intervention by the state due to its

[75] See generally Oakland 2045, *supra*.
[76] *Id.* at p. 3-19.
[77] Gillingham & Huang, "Racial Disparities in the Health Effects from Air Pollution: Evidence from Ports" (Mar. 15, 2022) at 3, https://resources.environment.yale.edu/gillingham/RacialDisparitiesAirPollution.pdf.

significant emissions.[78] The environmental impacts of these projects have already been analyzed and could have been easily factored into the Revised Draft EA.[79] The cumulative impacts of other major pollution sources in the area like the multiple freeways surrounding West Oakland also should be considered.[80] Incredibly, the table largely leaves out the emissions impacts from the Port itself on nearby communities, including its offsite activity like trucks and rail use.

d. *Inadequate Health Risk Assessment*

West Oakland's community characteristics and existing environmental burdens warrant careful consideration of potential "disproportionately high and adverse human health or environmental effects" associated with this Project.[81] The Corps, however, chose not to consider public health and safety impacts at all within the Revised Draft EA. Although a health risk assessment (HRA) is now included, the HRA suffers from the same problems as the rest of the analysis. For example, the HRA is improperly limited to construction impacts and fails to consider any of the longer-term health impacts from changes to Port operations. The construction impacts are also skewed because it presumes the use of Tier 4 engines, without analyzing the availability of these models for all the equipment types that will be used.[82] While the HRA acknowledges that risk levels could therefore be higher than modeled, the analysis stops there. EJC-111

In addition, the Corps notes the HRA is included only "for informational purposes"[83]—the potential local health risks and hazards from increases in diesel PM, $PM_{2.5}$, and toxic air contaminant emissions from either the construction or operations impacts of the Project are not factored into the decisions in the Revised Draft EA. Beyond even the construction and operation

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[78] See Cal. Office of the Attorney General, "Press Release: Attorney General Becerra Announces $4.1 Million Settlement with Schnitzer Steel for Illegally Releasing Hazardous Waste and Harmful Emissions into the West Oakland Community" (Feb. 3, 2021), https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-41-million-settlement-schnitzer-steel ("AG Press Release"); *People of the State of California, et al. v. Schnitzer Steel Industries, Inc.*, Stipulation for Entry of Final Judgment and Order on Consent, https://oag.ca.gov/system/files/attachments/press-docs/Stipulation%20for%20Entry%20of%20Final%20Judgment%20and%20Order%20on%20Consent%20-%20People%20v.%20Schnitzer%20%282-2-21%29.pdf.

[79] See, e.g., Port of Oakland, "Eagle Rock Aggregates Oakland Terminal Project, Final Supplemental Environmental Impact Report, Vol. 1" (Nov. 2021), https://www.portofoakland.com/files/PDF/PortOak_ERA_FSEIR_Vol.1_SEIR_Nov2021_ADA.pdf; Shute, Mihaly & Weinberger, "Comments on Final SEIR for Eagle Rock Aggregates Oakland Terminal Project" (Dec. 15, 2021), https://www.portofoakland.com/files/PDF/Letter%20to%20Board%20of%20Port%20Commissioners%20re%20Eagle%20Rock%20FSEIR.pdf; *West Oakland Environmental Indicators Project v. Port of Oakland*, Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Case No. 22CV008905 (Mar. 24, 2022); California Attorney General Comments, *supra*, at 11; AG Press Release, *supra*.

[80] Environmental Defense Fund, *A Tale of Two Freeways* (n.d.), https://www.edf.org/airqualitymaps/oakland/tale-two-freeways.

[81] E.O. 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations" (Feb. 11, 1994), https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf, 59 C.F.R. § 32 (1994).

[82] Revised Draft EA, "App'x A4b: Draft Health Risk Assessment" at 23.

[83] Revised Draft EA at 159.

phases, the HRA generally fails to analyze the Project's cumulative impacts in the context of the existing pollution and threats that already overburden surrounding communities. The HRA therefore lacks the level of detail and scope needed to be meaningful in considering and affirmatively addressing health and safety risks.

3. Impacts on Greenhouse Gas Emissions and Climate

The Corps fails to adequately analyze reasonably foreseeable increases in greenhouse gas emissions and climate impacts stemming from the Project. The Corps does not provide adequate information to justify its assumption that larger ships will decrease the overall number of vessel trips to the Port, nor does it support the claim that vessel idle times will be reduced. Larger ships that would be accommodated by this Project will carry more cargo and will take longer to unload, spending more time in the Oakland Harbor.[84] While in the harbor, larger ships will demand larger amounts of power supplied by auxiliary engines unless the ships are successfully plugged in to shore-side power.

Unfortunately, shore power rates have fallen short of State regulations at the Port of Oakland for each of the past several years. The California Air Resources Board (CARB) required 80% of fleets' visits to a port to utilize shore power by January 1, 2020.[85] But so far, in 2023, only 75% of vessel calls at the Port of Oakland have successfully drawn shore power.[86] In 2022, the most recent full calendar year, only 62% of total vessel calls successfully drew shore power – nearly 20% short of the required rate two years after the compliance date.[87] Timing and crowding can prevent successful shore-power connections. Larger ships are very likely to produce crowding, meaning that even if these larger ships are able to plug in successfully, they could prevent other vessels from reaching shore-power plugs, requiring them to rely on auxiliary engines that would increase greenhouse gas emissions, as well as NO_x and particulate matter (as discussed in Section I.C.1, *supra*). EJC-111

Additionally, the Corps improperly relies on the Port's environmental ordinance to justify its failure to analyze greenhouse gas emissions. The ordinance in question requires tenants to plan for a conversion to zero or near-zero-emissions cargo handling equipment.[88] The ordinance was imposed by the Port on its own tenants, but does not set a date by which tenants must transition equipment to zero or near-zero emissions equipment. Nor does the ordinance commit the Port to achieving zero-emissions by a date certain. Moreover, the ordinance was not passed as a climate or greenhouse gas mitigation measure, but was instead focused on addressing air quality issues, with the intention of "promot[ing] health" and "protect[ing] and enhanc[ing] the

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[84] Carr Report, Exh. B at 12-13.
[85] CARB, "At Berth FAQs," https://ww2.arb.ca.gov/resources/documents/berth-faqs (accessed June 6, 2023).
[86] Port of Oakland, "Shore Power Summary, April 2023," https://www.oaklandseaport.com/files/PDF/2023-04_Oakland_Shorepower.pdf (accessed June 6, 2023).
[87] *Id.* at 5.
[88] Port of Oakland Admin. Code, Chapter 9.01; see also Port Ordinance No. 4691, "Ordinance Amending and Restating Port of Oakland Environmental Ordinance No. 4345 and Adopting the Amended and Restated Ordinance No. 4345 as Chapter 9.01 of the Port of Oakland Administrative Code" (2023).

environmental quality" of the Port.[89] The Corps cannot rely on the ordinance to absolve itself of its obligation under NEPA to study the reasonably foreseeable impacts of the Project on greenhouse gas emissions.

4. Impacts on Regional Wildlife

Throughout its response to comments, the Corps repeatedly dismisses concerns regarding the Project's impacts on wildlife by arguing that species such as Longfin smelt, various salmonids, green sturgeon, and marine mammals are not expected to be present in the Project area.[90] While the Corps may be correct that the already-dredged area within the Turning Basins is likely not a thriving aquatic habitat, it is not the case that the waters immediately adjacent to the Project site are similarly unproductive. Aquatic species breed, spawn, rear, migrate, feed, and shelter in the waters around the Port and throughout the San Francisco Bay—waters through which ULCVs will need to travel prior to docking at the Port.

Instead of properly analyzing impacts on regional wildlife, however, the Corps downplays the Project's dredging impacts, disregards sensitive time periods for local species, and entirely ignores operational impacts such as ship strikes, noise, and oil spills. EJC-111

a. *Failure to Analyze Impacts of Dredging on Regional Wildlife*

The Corps does not adequately respond to our coalition's prior comments regarding regional impacts on wildlife and water quality from dredging. The Revised Draft EA describes removal and placement of more than 2.3 million cubic yards of dredged sediment while widening the Turning Basins under its preferred alternative.[91] As we noted in prior comments, dredging resuspends sediment and associated organic material, including any contamination within the sediments. This can lead to temporary increases in turbidity and nutrients, reductions in dissolved oxygen, and/or changes in temperature and pH. These water quality impacts can harm fish, benthic animals, and marine mammals foraging in the waters immediately adjacent to the Project site.

However, the Army Corps' response to comments focuses on the lack of fish and other marine animals in the immediate Project site where the Basins are located.[92] While the Corps may be correct that the already dredged area within the Turning Basins is likely not a thriving aquatic habitat, it is not the case that the waters immediately adjacent to the Project site are similarly devoid of aquatic species. Indeed, green sturgeon and longfin smelt have critical habitat

[89] Port of Oakland Admin. Code, §§ 9.01.010, 9.01.130.
[90] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 118c at PDF p. 15 ("Longfin smelt are not expected to be in the Project area"), Comment 120 at PDF p. 16 ("Salmonids should not be present in the Project location"), Comment 126 at PDF pp. 16-17 ("Blue and humpback whale are not expected in the immediate Project area").
[91] Revised Draft EA at 145.
[92] Revised Draft EA, "App'x A10c: Response to Public Comments", Comment 118c at PDF p. 15, Comment 120 at PDF p. 16, Comment 126 at PDF pp. 17-18.

in the San Francisco Bay, and in-water construction is a key threat to these species.[93] The Corps even identifies longfin smelt and green sturgeon, along with various salmonids, as among the fish species in the region.

As our coalition mentioned in prior comments, dredging can cause fish species to suffer gill damage, body abrasion, reduced reproductive success, reduced visibility, decreased predator avoidance, modified territoriality, altered feeding, homing behavior, and flight/avoidance response.[94] The cumulative effect of these and other stressors may lead to a host of harms, including reduced reproductive output, immunosuppression, and increased mortality. By failing to look beyond the immediate Project area, the Corps inappropriately minimizes the significance of sublethal harms to wildlife and fisheries associated with dredging. Thus, the Corps' analysis has an inappropriately narrow scope as to biological impacts. As a result, the Corps fails to disclose or analyze reasonably foreseeable impacts on regional wildlife.

Additionally, three types of marine mammals—the Pacific harbor seal, California sea lion, and harbor porpoise—are known to exist in the vicinity of the Turning Basins, and these species, too, may suffer adverse impacts from dredging.[95] Again, the Corps' response to comments largely dismisses these concerns by focusing on the lack of mammals in the Turning Basins themselves. This myopic analysis fails to consider the true ramifications of the Project. Much like with fish species, increased turbidity and dredging activity can disturb marine mammal foraging activities. Marine mammals may also be impacted by the noise of dredging, and those impacts may manifest as changes in feeding, breeding, and predator-avoidance behaviors, flight/avoidance behaviors, and changes in dive times, migration routes, and swimming speeds. The Corps must conduct a more searching analysis of potential dredging-related impacts on marine mammals, both for purposes of NEPA compliance and also to ensure compliance with the Marine Mammal Protection Act. EJC-111

b. *Insufficiently Protective Work Windows*

The Corps' reliance on "work windows" as a dredging mitigation measure to avoid species harm is misplaced. Throughout the Revised Draft EA, the Corps notes that most dredging will be conducted during a proposed window from June 1 through November 30 when certain

[93] 74 Fed. Reg. 52,299 (Oct. 9, 2009), "Critical Habitat Designation for Southern Distinct Population Segment of North American Green Sturgeon"; 87 Fed. Reg. 60,957 (Oct. 7, 2022), "Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt"; Wenger et al., "A Critical Analysis of the Direct Effects of Dredging on Fish," 18 *Fish & Fisheries* 967 (Sept. 2017), https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12218.

[94] Wenger et al., *supra*; see also Kjelland, M., et al., "A review of the potential effects of suspended sediment on fishes: potential dredging-related physiological, behavioral, and transgenerational implications," 35 *Enviro. Systems & Decisions* 334 (2015), https://link.springer.com/article/10.1007/s10669-015-9557-2.

[95] Revised Draft EA at 54.

fish species, such as salmonids and herring, are less likely to be present.[96] However, the Corps does not clearly state whether these work windows are mandatory or merely recommended, or in what instances it might elect to work outside the designated work windows.[97] Our coalition's prior comment letter raised these concerns, but the Corps avoids providing a satisfactory response.

The Corps also failed to explain how or whether its proposed dredging activities will be modified if such species are present when the work windows open on June 1. For example, out-migrating Chinook salmon and green sturgeon may be affected by dredging activities that fall outside the proposed work window.[98] The Corps asserts that it will consult with natural resource agencies such as the National Marine Fisheries Service ("NMFS") or the United States Fish and Wildlife Service ("USFWS") as appropriate to extend work windows when the Corps believes that species are *not present*, but the Corps says nothing about how it proposes to alter activity should species *still be present* during a proposed work window.[99] The Corps fails to adequately support its conclusion that there will be no significant impacts on local species caused by the proposed dredging or in-water construction activities.

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Furthermore, we reiterate our concerns that the Revised Draft EA still contains inconsistencies regarding how it selected the proper work windows for the Project. Specifically, the Revised Draft EA notes that the preferred work window for the California least tern (listed as endangered by both state and federal governments) would run from August 1 through March 15 of each year, but that time frame does not align with the proposed work windows described above (June 1 through November 30). The Revised Draft EA acknowledges that "in-water construction is proposed to occur partially outside of [the work window most suitable for California least terns] under all action alternatives."[100] These proposed work windows are going to pose potential resource conflicts, light exposure, and disorientation for the California least tern.[101] Yet, the Revised Draft EA does not address how the Corps intends to mitigate such exposure to the largest population of least terns in Northern California.[102] In its Response to Comments, the Corps states it will coordinate with the U.S. Fish and Wildlife Service on

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[96] See, e.g., Revised Draft EA at 175, 182, 188 ("[D]redging work window for California least tern in the project vicinity is August 1 through March 15 each year. Because in-water construction is proposed to occur partially outside of this work window (i.e., in June and July) under all action alternatives, the USACE will initiate ESA consultation with USFWS and determine appropriate minimization measures . . .").

[97] See, e.g., Revised Draft EA, "App'x A-5: Draft CZMA Consistency Determination" at A-1 (noting there may be circumstances when "in-water work must occur at times other than the approved work window").

[98] See, e.g., Revised Draft EA, "App'x A-1: Draft Biological Assessment" at 25, 27, 30-31.

[99] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 123 at PDF p. 17.

[100] Revised Draft EA at 188.

[101] See Adams, et al., "Effects of artificial light on bird movement and distribution: a systematic map." *Environ Evid* 10, 37 (2021), https://doi.org/10.1186/s13750-021-00246-8.

[102] Leu, Chelsea, "Endangered California Least Terns Thrive on Hayward's 'Tern Island'" (June 16, 2016), *Bay Nature*, https://baynature.org/article/a-tern-for-the-better/ ("[T]he Alameda tern colony is the biggest in northern California, and it's here that least terns were first spotted in the Bay Area, in the 1970s.")

impacts.[103] The Corps' response is unavailing: coordinating with other agencies on impacts to the least tern does not satisfy the NEPA requirement of disclosing all foreseeable impacts.[104]

c. *Incomplete Analysis of Ship Strikes*

In the Revised Draft EA, the Corps continues to offer an incomplete analysis of the threat that shipping traffic associated with this navigation channel poses to marine mammals. As mentioned in prior comments, ship strikes serve as a primary cause of mortality for large whales worldwide.[105] Large vessels (*i.e.,* those 2: 80 meters) are responsible for most of the collisions leading to whale death or severe injury.[106] For imperiled populations, "death from vessel collisions may be a significant impediment to population growth and recovery."[107] San Francisco Bay is increasingly a hotspot for whale strandings, many from ship strikes.[108] Just this past May, a gray whale was killed by a combination of malnutrition and trauma caused by a collision with a maritime vessel in the San Francisco Bay.[109] The number of blue whales killed by ship collisions in the San Francisco Bay area alone exceeds the amount that federal scientists have determined is sustainable for the entire population.[110] As discussed above, the larger ships facilitated by this Project will be more deadly.

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The Corps inappropriately obfuscates the ship strike issue by defining the Project area too narrowly. The Corps' claim that whales would "not be impacted" by the Project because "blue and humpback whales are not expected in the immediate project area" is a preposterous example of the Project's unreasonably narrow scope and failure to disclose or analyze reasonably foreseeable impacts.[111] Indeed, a recent Whale Safe study reported 544 sightings of blue, fin, and humpback whales in the San Francisco Bay Area from September – December 2022.[112]

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[103] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 123 at PDF p. 17.
[104] See 40 C.F.R. §§ 1508.8, 1508.25 (Council on Environmental Quality (CEQ) regulations requiring agencies to describe the environmental consequences of the proposed action, including direct, indirect, and cumulative effects).
[105] Cotton Rockwood, et al., "High Mortality of Blue, Humpback and Fin Whales from Modeling of Vessel Collisions on the U.S. West Coast Suggests Population Impacts and Insufficient Protection," *PLoS ONE* 12(8): e0183052 (2017); Jensen, C.M. et al., "Spatial and Temporal Variability in Shipping Traffic Off San Francisco, California," 43 *Coastal Mgmt.* 575 (2015).
[106] Jensen et al. (2015), *supra*.
[107] Rockwood et al. (2017), *supra*.
[108] Nat'l Park Serv., "Spike in Gray Whale Deaths Triggers Investigations" (June 2019), https://www.nps.gov/articles/spike-in-gray-whale-deaths-triggers-investigations.htm.
[109] Russell, Kiley, "Vessel Strike, Malnutrition Likely Killed Whale That Spent 75 Days in SF Bay," *NBC Bay Area* (May 11, 2023), https://www.nbcbayarea.com/news/local/vessel-strike-malnutrition-whale-75-days-sf-bay/3227441/.
[110] Dorman, J. et al., "2021-22 Greater Farallones & Cordell Bank National Marine Sanctuaries Advisory Councils Joint Ship Strike Working Group: Final Report," https://nmscordellbank.blob.core.windows.net/cordellbank-prod/media/docs/2021-22-joint-ship-strike-working-group-report.pdf.
[111] Revised Draft EA, "App'x A-10c: Response to Public Comments," Response 126, at PDF pp. 17-18.
[112] Whale Safe, "2022 Year in Review: A Look Back at Whales & Ships in the Santa Barbara Channel and San Francisco Region," https://whalesafe.com/2022-year-in-review-a-look-back-at-whales-ships-in-the-santa-barbara-channel-san-francisco-region/.

Additionally, the Marine Mammal Center's ongoing field observations conclude that gray whales are feeding while inside the San Francisco Bay.[113] Under the Corps' Recommended Plan, waters adjacent to and surrounding the Project area would host not just whale populations but also an increased number of ULCVs, leading to potentially devastating consequences.[114] Yet the Corps, in both the Revised Draft EA and its response to comments, ignores the impacts the Project could have, and baselessly concludes that marine mammals would not be impacted by whale strikes despite the literature that suggests otherwise.

The Corps also concludes without support that whales will not be impacted by ship strikes because ULCVs will operate at slower speeds than other smaller vessels.[115] It is important to note, however, that while whales have a greater chance of surviving a strike at lower speeds, there is no absolute safe speed for vessels to travel when it comes to whale strikes.[116] Moreover, shipping companies do not always abide by voluntary speed reduction measures. According to Whale Safe, of the 735 large vessels (> 300 tons) that transited through the San Francisco Bay Area, 61.4% cooperated with vessel speed reduction measures from May 1 through December 15, 2022 (the period of peak whale abundance in the San Francisco Bay Area).[117] The Corps cannot shirk its responsibility to analyze and disclose information regarding ship strikes by simply relying on hypothetical reduced ship speeds. The Corps must conduct an analysis assessing the likelihood of ship strikes and the potential impacts on whales in and around the Project's waters. EJC-111

d. *Inadequate Analysis of Noise*

The Revised Draft EA fails to adequately analyze the impacts that increased vessel size may have on noise affecting local wildlife species, despite comments urging the Port to conduct such an analysis. As our coalition previously noted, the presence of larger ships will increase the levels of low-frequency noise, particularly close to major shipping lanes and ports.[118] While we acknowledge and appreciate the Corps' inclusion of an underwater noise assessment from in-water pile-driving and its potential impacts on wildlife, the Corps relies on an unsupported assumption that fish will disperse to avoid physical injury from pile-driving and its sound impacts.[119] This is misleading. Indeed, even very few pile-driving strikes can result in ruptured

[113] Russell, *supra*.
[114] Dorman, *supra*.
[115] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 126, at PDF pp. 17-18.
[116] Kelley, D., et al., "Assessing the lethality of ship strikes on whales using simple biophysical models," *Marine Mammal Science* (2020), https://onlinelibrary.wiley.com/doi/10.1111/mms.12745.
[117] Whale Safe, *supra*; see also NOAA, "Vessel Speed Reduction," *supra*.
[118] Port of Vancouver, "2021 Haro Strait and Boundary Pass voluntary vessel slowdown" (n.d.), https://www.portvancouver.com/environmental-protection-at-the-port-of-vancouver/maintaining-healthy-ecosystems-throughout-our-jurisdiction/echo-program/projects/haro-slowdown/; Putland, R.L., et al., "Vessel noise cuts down communication space for vocalizing fish and marine mammals," 24 Global Change Biology 1708 (2018); Liu, M., et al., "Broadband ship noise and its potential impacts on Indo-Pacific humpback dolphins: Implications for conservation and management," 142 *J. Acoustical Society of America* 2766 (2017).
[119] Revised Draft EA at 187.

swim bladders and injuries for fish, including bass, salmonids, and sturgeon.[120] Ultimately, we urge the Corps to continue its analysis as applied to *all* Project-related noise impacts.

The Revised Draft EA does not look at reasonably foreseeable operational noise impacts. Specifically, and emblematic of the Corps' flawed scoping of this Project, the Corps spends little time analyzing noise impacts from the increased number of ULCVs that will visit the Port because of the Project. This is an egregious omission, given the effects that shipping noise has on aquatic species. Noise generated by commercial shipping reduces marine mammals' ability to communicate, locate prey, and navigate within their habitat, and induces behavioral changes.[121] A review of 42 studies on the effect of noise on fish suggested that the majority of fishes are sensitive to noise, including alarming impacts on foraging, predation risk, and reproductive success.[122] The Corps continues to omit disclosure of these impacts.

Instead, the Corps misconstrues our coalition's comments and dismisses concerns regarding noise impacts on local wildlife by arguing that the Project will result in fewer ship visits overall.[123] But this statement by the Corps fails to analyze or consider the noise impacts that would result from a proportionally higher number of ULCVs. Nor does this conclusion analyze whether ULCVs themselves will have larger noise impacts than smaller vessels. EJC-111

The Corps states, without support, that "[l]arger vessels are not expected to generate more noise."[124] But the reports our coalition presented in our prior comments provide evidence the opposite is true. Indeed, larger vessels introduce significantly more noise into the marine environment, particularly if they have larger positioning thrusters and propulsion units.[125] As a 2018 report noted, "[l]arger vessels (exceeding 100m) typically produce louder, lower-frequency sounds than smaller boats ....."[126] The Corps has failed to respond to our coalition's comments regarding these concerns.

Failing to adequately analyze shipping noise in the Turning Basins—produced by larger ships in conjunction with tugboats—downplays impacts on regional wildlife, including but not limited to marine mammals, local fish, and terrestrial wildlife like avian species. Such an omission results in an EA that fails NEPA's "hard look" requirement.[127] Ships that approach and

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[120] Halvorsen, M.B., et al., "Effects of exposure to pile-driving sounds on the lake sturgeon, Nile tilapia and hogchoker," 279 *Proc. Biol. Sci.* 4705 (2012).
[121] Erbe, C., "The Effects of Ship Noise on Marine Mammals—A Review," 11 *Front. Mar. Sci.* 6 (2019).
[122] Cox, K., et al., "Sound the alarm: A meta-analysis on the effect of aquatic noise on fish behavior and physiology," 24 *Global Change Biology* 3105 (2018); Duarte, C.M., et al., "The soundscape of the Anthropocene ocean," 371 *Science* 6529 (2021) (81% and 82% of relevant studies have found significant impacts of noise on invertebrates and fish).
[123] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 127, at PDF p. 18.
[124] *Id.*
[125] *See* Kaplan, M.B. & Solomon, S., "A coming boom in commercial shipping? The potential for rapid growth of noise from commercial ships by 2030," 73 *Marine Policy* 119 (2016).
[126] Southall, B., et al., "Reducing Noise from Large Commercial Ships," *Proceedings* 58 (2018).
[127] *Cook Inletkeeper v. Raimondo*, 533 F. Supp. 3d 739, 766-68 (D. Alaska 2021) (finding agency's failure to analyze potential noise impacts from tugboats and their impacts on local marine mammal wildlife was unlawful).

use the Turning Basins will produce noise during their approach and while executing turns within the Basins, with assistance from tugboats. The Revised Draft EA estimates that underwater noise associated with ships turning in the Basins can range from 141 to 175 decibels.[128] However, the Revised Draft EA improperly dismisses those noise impacts as no different than existing vessel traffic.[129] In our coalition's prior comments, we urged the Corps to consider the noise impacts that emanate from the fact that the largest vessels (which potentially make more noise) will call on the Port more frequently. The Corps fails to do so in the Revised Draft EA and consequently must revisit its analysis regarding noise impacts on local species.

e. *Failure to Consider Greater Risk of Large Oil Spills*

As noted in our coalition's prior comments, the increased presence of these larger vessels—in addition to a potential increase in the size or number of accompanying tending vessels such as tugboats—may increase the risk or severity of oil spills and other discharges.[130] This would be the case even if the Corps is correct that there will be fewer overall vessel visits. ULCVs pose different risks, purely because of their size, than the smaller ships that visit the Port more regularly. The Corps fails to analyze the consequences of these larger vessels on the likelihood and magnitude of future oil spills. EJC-111

For example, ULCVs have larger fuel bunkers than smaller ships. It thus stands to reason that even larger oil spills of bunker fuel could result from those ships that will be able to visit the Port with greater frequency as a result of this Project. However, the Corps does not analyze the possibility of an increase in the risk of oil spills, or the severity and magnitude of such spills, in its Revised Draft EA, instead constraining its analysis merely to construction impacts.

The Corps' responses to comments are similarly inadequate. The Corps dismisses concerns by stating that the Project will increase navigational efficiency and thus automatically decrease hazard risks.[131] This statement fails to respond to the core concern of the comments. While it may be true that ULCVs will visit the Port with or without the Project, widening the Turning Basins will facilitate a proportionally greater number of ultra-large vessels calling at the Port. Essentially, even if the Corps is correct that the *overall* number of vessel calls will be fewer, the Project will facilitate a future in which *more ultra-large vessels* visit the Port than they would without the Project.

An increased number of ultra-large vessels coupled with their accompanying tending tugboats could increase the risks of oil spills despite any navigational efficiencies gained by widening the Turning Basins. The spills from these ships are potentially even more disastrous than those from smaller vessels because of larger bunker fuel storage capacity. As our coalition

[128] Revised Draft EA at 104 to 105.
[129] See Revised Draft EA at 177 (concluding "transport barges carrying dredge material are not expected to generate underwater noise that is different or greater than existing vessel traffic") and 252 ("[T]he noise produced by the turning activity . . . would reasonably be expected to remain very similar to noise generated by existing vessels turning.").
[130] February 2022 Coalition Comment Letter, Exh. A at 34-35.
[131] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 125 at PDF p. 17.

mentioned in prior comments, the Corps should have analyzed the severity and magnitude of such spills.

5. Inadequate Analysis Regarding the Handling and Placement of Dredged Materials.

The Corps anticipates dredging more than 2.3 million cubic yards of sediment for this Project—but fails to offer concrete information about where nearly 95% of those sediments will go. Table 39 of the Revised Draft EA shows the Corps expects to dredge about 157,000 cubic yards of material that will be suitable for cover material at a beneficial use site: about 7% of the total amount of dredged material.[132] The Corps also indicates that it expects to dredge about 2,093,000 cubic yards of material—about 88% of the total—that will not be suitable for cover at a beneficial reuse site, but could be sufficiently uncontaminated to apply as foundation at such a site. Together, those two portions comprise approximately 2,250,000 cubic yards—about 95%—of the total amount of dredged sediment expected for this Project.[133]

The Corps' failure to identify where it will send 95% of the dredged materials violates NEPA. As we previously stated, the Corps has an obligation to provide meaningful information to facilitate public review, or to provide clarification about "why more definitive information could not be provided."[134] The Corps offers noncommittally that it might send the dredged sediments to the Montezuma Restoration site,[135] but fails to explain anywhere in the Revised Draft EA why it has not already confirmed that proposed placement location, or why it cannot do so at this time. By contrast, it has already identified specific landfills to handle the more highly contaminated, potentially hazardous wastes[136]—a task that is presumably more daunting given the potentially hazardous material. EJC-111

We also have concerns about the Corps' stated intention to relocate more than 10,000 cubic yards of hazardous wastes to Kettleman Hills landfill. The communities adjacent to that landfill are predominantly Latino and disproportionately burdened by pollution.[137] They have previously opposed state and federal permits that enabled the landfill to expand.[138] We express deep reservations about the plan to export wastes from one environmental justice community to another. We urge the Corps to identify and analyze alternatives that would enable the waste to be

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[132] Revised Draft EA at 145.

[133] By way of comparison, 2.2 million cubic yards is the equivalent of about 688 Olympic sized swimming pools.

[134] *Cuddy Mountain*, *supra*, 137 F.3d at 1380.

[135] Revised Draft EA at 135, 144.

[136] Revised Draft EA at 145.

[137] Bedoian, Vic, "Kettleman Hills Toxic Waste Landfill Permitted to Expand," Fresno Community Alliance (Aug. 1, 2013), https://fresnoalliance.com/kettleman-hills-toxic-waste-landfill-permitted-to-expand/.

[138] Greenaction for Health and Environmental Justice, "Kettleman City, Buttonwillow, and Out-of-State Solid Waste Landfills: Racial Discrimination, Expired Permits, Civil Rights Violations, & Regulatory Malpractice by the Department of Toxic Substances Control in California's Failed Hazardous Waste Program," (n.d.), https://bes.dtsc.ca.gov/wp-content/uploads/sites/42/2023/03/FINAL-Greenaction-and-El-Pueblo-Presentation-for-DTSC-Oversight-Board-ADA.pdf?emrc=b2cb74.

appropriately treated and managed without burdening another environmental justice community. We also note that the Corps failed to consider or analyze the reasonably foreseeable truck emissions that would be created when transporting 10,000 cubic yards of waste to a location more than 200 miles away. It also did not analyze or describe to any degree how it will safely transport the hazardous wastes to ensure they are not released in transit, either by leakage or fugitive dust, should the wastes be transported in open containers. This omission represents yet another source of reasonably foreseeable potential impacts that went unstudied in the Revised Draft EA.

Additionally, we are troubled that the Corps did not perform any sediment analysis before issuing the Revised Draft EA. Instead, it appears to be relying throughout the document on sampling conducted in the Turning Basins and adjacent to Howard Terminal more than twenty years ago, in the late 1990s.[139] By failing to provide data about the actual composition of the sediments to be dredged, the Corps makes it challenging for members of the public to provide informed comments.

Finally, the Corps has not adequately discussed what measures it will take to reduce fugitive dust from the dredged sediments excavated from the Basins. It is reasonably foreseeable that dust from dried sediments could increase particulate matter emissions in a region that is already in nonattainment for $PM_{2.5}$. Equally concerning is the foreseeable possibility that dredged sediments could contain toxic elements that become aerated when dredged and left out to dry on barges. Without recent sediment sampling to indicate the sediment's composition, we cannot offer more specific commentary about the Corps' plans, but we are concerned about the lack of analysis of these possibilities. The Corps must disclose its plans regarding handling of dredged wastes and fully analyze the reasonably foreseeable possibility of fugitive dust so that meaningful mitigation measures can be selected. EJC-111

For all of these reasons, we urge the Corps to withdraw its Revised Draft EA and produce a full EIS that considers the handling and placement of dredged materials.

D. ***The Revised Draft EA Fails to Identify a Need for the Project***

We remain deeply concerned about the actual need for an expansion of the Turning Basins at this time. The Port's own data released in May 2023 suggests that it projects a decline in TEU throughput over the forthcoming five-year period running from 2023 through 2028.[140]

Given that the Port itself is not anticipating an increase in TEU throughput in the next five years—and indeed, even projects a small decline in throughput—the Corps has not demonstrated a need for the expansion of the Turning Basins.

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[139] Revised Draft EA at 88-89; see *id.* at 90 (noting "the sediments in the study area have not yet been sampled and analyzed for this study").

[140] Board of Port Commissioners, "Development of FY 2024 Operating and Capital Budget" (May 11, 2023) at PDF p. 7 (offered as Agenda Item 4.2 of the May 11, 2023 Board of Port Commissioners Meeting and available here: https://portofoakland.legistar.com/View.ashx?M=F&ID=11952778&GUID=238BCE39-510E-4431-8976-EF20E1A8316E).

The Corps also contends that the Project will relieve inefficiencies and improve navigational safety by reducing the risk of collisions and grounding—but does not point to any historical examples in which either collisions or grounding occurred. In the absence of evidence that the Turning Basins currently pose a safety risk, the Corps should have looked more closely at the confounding risks of containerships moving through the Bay more broadly, such as the risk of collision like the 2007 Cosco Busan oil spill, in which a containership collided with the Bay Bridge, spilling 58,000 gallons of fuel onto the coastlines of the San Francisco Bay in a matter of hours.[141]

E. *The Revised Draft EA Fails to Consider Less Impactful Alternatives*

The Corps failed to consider less impactful alternatives to expanding both the Inner and Outer Turning Basins. The Corps "may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action . . . ."[142] Further, the Corps cannot engage in "subterfuge" in an effort to "rationalize a decision already made."[143]

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Here, the Corps has improperly weighted the analytical scales in favor of its preferred approach by analyzing the application of electric dredges *only* to the analysis of widening both Basins. The Corps leaves in place the diesel-dredge option for all other alternatives, which makes the air emissions appear superficially much worse for other alternatives.[144] The Corps' approach fails to present a fair, impartial analysis. EPA identified this concern in its comments on the December 2021 Draft EA.[145] By failing to update its analysis in this Revised Draft EA, the Corps violates its obligations under NEPA.

Relatedly, the Corps has not seriously considered expanding only the Outer Basins in the Revised Draft EA. Expanding only the Outer Basins would address the Corps' stated chief concerns of enabling larger vessels to visit, while avoiding the significant landside impacts to West Oakland and Alameda. As EPA stated in its 2022 comments, pursuing an expansion of the Outer Basins "could achieve the project objective while resulting in fewer impacts to multiple resource areas (including noise, potential disturbance to water quality from contaminated dredged material, and no required trucking dredged material to an offsite landfill), higher Benefit Cost Ratio, and shorter construction duration."[146] And as BCDC noted, expansion of the Outer Basin would have the "fewest impacts to Bay resources while achieving the same goals of the project, which are to enable larger container ships to safely turn and exit the harbor."[147]

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[141] Cal. Coastal Comm'n, "Oil Spills" (accessed June 14, 2023), https://www.coastal.ca.gov/publiced/oilspills.html.
[142] *League of Wilderness Defenders-Blue Mountains Biodiversity Project v. U.S. Forest Serv.*, 698 F.3d 1060, 1069 (9th Cir. 2012).
[143] *W. Watersheds Project*, *supra*, 632 F.3d at 491 (internal quotations omitted).
[144] Revised Draft EA at 227; *compare id.* at 228 (Table 50) *with* 229 (Table 51); see also Revised Draft EA, "App'x A4a: Air Quality Applicability Assessment," at 9-12 (Tables 8 and 9).
[145] EPA Comments, *supra*, at PDF pp. 6-7, 11.
[146] *Id.* at PDF p. 6.
[147] BCDC Comments, *supra*, at 2.

The Army Corps' lackluster Response to Public Comments reveal that it never truly considered the Outer Basins-only alternative: "Because an Outer Harbor only alternative would not maximize NED [National Economic Development] benefits, an Outer Harbor only alternative with electric dredges would not be a comprehensive benefit plan and therefore was not carried forward as such."[148] That response fails to demonstrate a reasoned consideration of an alternative that would be less environmentally impactful. The Corps' failure to consider less impactful alternatives violates its obligations under NEPA.

F. *The Revised Draft EA Fails to Identify Reasonably Available Mitigation Measures*

For the reasons outlined above, it is reasonably foreseeable that the expansion of the Turning Basins will have potentially significant impacts—and therefore, the Corps was obligated to produce a complete EIS.[149] As the California Attorney General noted in its comments, the Army Corps' own implementing regulations for NEPA state that feasibility reports for authorization and construction of major projects "normally requir[e] an EIS."[150] By choosing not to produce a full EIS, the Corps disregarded its own regulations here. EJC-111

In an EIS, the Corps must analyze "[m]eans to mitigate adverse environmental impacts."[151] "Mitigation must be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated. A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA."[152] "[B]road generalizations and vague references to mitigation measures" are insufficient to satisfy this requirement.[153] Furthermore, "omission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects."[154]

Here, given that air quality remains a serious problem for this region, the Corps should have undertaken a much more careful analysis of reasonable measures to reduce particulate matter and NO_x emissions, particularly given the region's nonattainment status and West Oakland's disproportionate air pollution burden.[155] While we appreciate that the Corps is considering implementing air monitors per its Response to Comments, we reiterate our request that the placement and operation of all such monitors be decided only after collaborative community engagement.

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[148] Revised Draft EA, "App'x A10a: Response to Public Comments," Comment 4 at PDF p. 10.
[149] See 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1501.3(b) (listing factors for weighing significance); *Bark v. U.S. Forest Service*, 958 F.3d 865, 868, 873 (9th Cir. 2020).
[150] California Attorney General Comments, *supra*, at 5, n. 16; see 33 C.F.R. § 230.6(a).
[151] 40 C.F.R. § 1502.16(a)(9).
[152] *Cuddy Mountain, supra,*137 F.3d at 1380 (citations omitted).
[153] *Id.*
[154] *Methow Valley, supra*, 490 U.S. at 352.
[155] See February 2022 Coalition Comment Letter, Exh. A at 24 (discussing Alameda County's status in marginal nonattainment for national 8-hour ozone 2008 and 2015 standards, and moderate nonattainment for 24-hour $PM_{2.5}$ 2006 standards).

To address the persistent air pollution crisis in this region, we urge the Corps and the Port to consider requiring the use of Tier IV tugs equipped with diesel particulate filters for all transportation of electric dredges and for the removal of dredged material. This type of measure would fall within the Port's contracting authority if this Project should proceed to the point where the Port is soliciting bids for the construction. Requiring Tier IV tugs would also meaningfully reduce emissions for the construction portion of the Project, based on the number of hours of operation that tugs are expected to be in service for this Project, according to the Air Quality Applicability Assessment in Appendix A4a.

The Corps and the Port should also seriously examine the possibility of requiring the use of electric tugs, which will be in use at other California ports this year and would help mitigate the impacts of this Project.[156]

We also wish to draw the Corps' attention again to the list of mitigation measures we identified in our February 2022 Coalition Comment Letter. As discussed extensively above, the Corps scoped this Project inappropriately, which is an error that pervades the entire analysis in the Revised Draft EA. Because of that error, the Corps incorrectly states that "the Project will not induce growth" and therefore that "mitigation measures for growth inducement are not appropriate."[157] The Corps' analysis is flawed. A full EIS, with appropriate mitigation measures for each reasonably foreseeable and significant impact, is required here. EJC-111

G. ***The Revised Draft EA Fails to Coordinate NEPA and CEQA Review***

We are increasingly concerned about the Corps' insistence on moving forward with the NEPA process even though the Port has not yet released a draft environmental impact report pursuant to CEQA. The Corps states in its Response to Public Comments that it cannot combine its NEPA process with CEQA, since the Port is not expected to release its CEQA document until late 2023, and "[s]uch a delay would jeopardize USACE's ability to timely request authorization for the proposed Project."[158] The Corps' concerns about the timeline do not stand up to scrutiny, and its decision to push forward will result in inconveniences and inefficiencies that should be avoided.

The Corps' decision to push forward with separate federal environmental review under NEPA—while CEQA review is forthcoming this fall—is extremely inefficient. It also conflicts with guidance issued by the Council on Environmental Quality, as we noted in our February 2022 Coalition Comment Letter.[159] Further, the Corps' decision produces disjointed opportunities for stakeholders to provide input and participate in the decision-making process. This lack of coordination results in incomplete information sharing, confusion, and limited opportunities for comprehensive public participation. Impeding public participation is particularly concerning given that this Project impacts disproportionately burdened communities. Additionally, inhibiting engagement with communities contradicts the goals of the Biden

[156] "Crowley's Ewolf Tugboat Gets Tough on Greenhouse Gas Emissions" (Apr. 14, 2023), https://thebusinessdownload.com/crowleys-ewolf-tugboat-gets-tough-on-greenhouse-gas-emissions/.
[157] Revised Draft EA, "App'x A10c: Response to Public Comments," Comment 131a at PDF p. 19.
[158] *Id.*, Comment 97 at PDF p. 8.
[159] February 2022 Coalition Comment Letter, Exh. A at 48-49; *see* 40 C.F.R. § 1506.2(b), (c).

Administration's recent E.O.s, which establish stricter public participation requirements for federal actions that impact frontline communities.[160]

Equally concerning, pursuing separate NEPA and CEQA processes fragments the Corps' and the Port's obligation to identify appropriate mitigation measures. Without integration, mitigation measures will be addressed separately in NEPA and CEQA processes, which may not adequately address cumulative impacts or achieve the most effective and coordinated mitigation strategies. For example, the Corps identified certain adverse air quality impacts that will require mitigation, such as anticipated daily NO_x emissions exceedances, but deferred taking any action on the theory that the Port (as the non-federal sponsor of the Project) would handle the issue in its CEQA process.[161] The Army Corps is unlawfully avoiding its responsibility to conduct meaningful environmental review and mitigation.

Furthermore, separating the federal environmental review under NEPA from the state CEQA process leads to redundant analyses by separate entities, increasing the public taxpayer dollars that are being spent on this process. Embarking on separate processes also results in inconsistencies and conflicts between federal and state environmental requirements. This can lead to confusion and disagreements among agencies, stakeholders, and project proponents, potentially hindering the decision-making process and project progress. For example, if the Port identifies additional mitigation measures during its forthcoming CEQA review but assigns responsibility for those measures to the Corps, that could require the Corps to revisit its NEPA documentation or possibly even produce supplemental analysis. In effect, separating NEPA and CEQA processes may produce the very delay that the Corps claims it is trying to prevent by proceeding separately. EJC-111

We urge the Army Corps to withdraw the Revised Draft EA and develop a full draft EIS for public review, on a timeline that would run concurrently with the Port's forthcoming CEQA process, to enable members of the public to participate more meaningfully and efficiently in both processes.

H. *The Army Corps Did Not Provide Adequate Opportunity for Meaningful Stakeholder Engagement*

The Corps' public engagement efforts on this Project have been deficient. As we previously explained, incorporating and inviting public participation into the government's environmental decision-making is a core element of the NEPA process. Furthermore, CEQ regulations state that agencies must "[m]ake diligent efforts to involve the public" when implementing NEPA.[162] The Corps has failed to comply with NEPA or its implementing regulations here.

Here, the Corps released its Revised Draft EA, comprising over 1,200 pages of material, for only a 45-day comment period. After repeated requests by members of the community to

[160] See Section I.C.2.a, *supra* (discussing E.O. 14091 and E.O. 14096).
[161] Revised Draft EA at 226; see also *id.* at 137 (postponing action on mitigation measures for eelgrass); 260 (postponing action on mitigation measures for traffic noise).
[162] 40 C.F.R. § 1506.6(a).

extend the deadline, and the submission of over 1,000 public comments, the Corps extended the submission deadline for the Project by only 4 days, which does not reflect genuine engagement with community concerns. (We are attaching as **Exhibit C** a series of emails outlining the requests for an extension that we submitted.)

The Corps offered a weak explanation for its paltry 4-day extension: it stated in an email that the updates in the Revised Draft EA were outlined on page vi of the Revised Draft EA.[163] That assertion neglects to consider that the Corps made global updates throughout nearly every section of the Revised Draft EA. As a result, members of the public were forced to engage in a careful comparison of the now-outdated December 2021 Draft EA with the present Revised Draft EA. The Corps did not offer a redline version to track changes from former to present, which made review substantially more challenging. And the Revised Draft EA comes with 26 appendices, whereas the original draft offered only 8 appendices. In sum, the Corps released a large quantity of material for review in a very short window of time, and failed to respond adequately to reasonable requests for an extension. The Corps' failure to offer adequate time for review fails to conform with NEPA or its implementing regulations.

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The Corps also offered only a handful of poorly orchestrated public engagement meetings—many of which were plagued with technical difficulties—interspersed with long periods of silence in the past year.[164] Further, the Corps failed to indicate on its public-facing website at any point before June 16, 2023 whether the Revised Draft EA or its many supporting appendices were offered in Spanish or Cantonese, despite stating that it would do so in its Response to Comments.[165] The Corps' silence has left community members uninformed about whether and on what terms the Project will move forward.

Furthermore, we are troubled by the Corps' apparent decision in the Revised Draft EA to delay public review of sediment sampling until a later phase of this Project.[166] The Corps should have performed the sampling before issuing any NEPA compliance documentation, so that members of the public could consider and comment as part of a comprehensive environmental analysis, rather than as a discrete, isolated commenting process.

Finally, as noted in Section I.G above, the Corps' decision to proceed with its NEPA analysis separate from review under CEQA likewise reflects a failure of public engagement: it will require members of the community to review separate, lengthy environmental documents, and it fragments the Corps' and the Port's obligations to identify appropriate mitigation measures.

In sum, the Corps has failed to meet its obligations under NEPA to provide adequate opportunities for public comment on a project that will foreseeably have significant local and environmental impacts.

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[163] See Exh. C at 1.
[164] See Exh. C at 2-3.
[165] See generally https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Current-Projects/Oakland-Harbor-Turning-Basins-Widening/ (last accessed June 15, 2023).
[166] See generally Revised Draft EA at 223-224.

CONCLUSION

These comments outline our principal concerns with the Revised Draft EA. Now that the Army Corps is on notice of these concerns, it has an opportunity to revisit this Project with principles of environmental justice and equity in mind, and it should seize the chance to do so now. We urge the Army Corps to withdraw the flawed Revised Draft EA and undertake meaningful, sustained public engagement to listen, consider, and respond to the chorus of equity-based and environmental concerns about this Project. The Corps must develop a full draft EIS for public review that properly scopes the Project in the context of ongoing Port operations. It must disclose and analyze all of the reasonably foreseeable impacts to air quality and climate, environmental justice communities, wildlife and the San Francisco Bay as described above—and it must undertake careful analysis of meaningful mitigation measures should the Project go forward. Finally, we urge the Corps to release a draft EIS on a timeline that would run concurrently with the Port's forthcoming CEQA process, to enable members of the public to participate more meaningfully and efficiently in both processes.

Thank you for your consideration of these comments. We would welcome the opportunity to engage with the Army Corps further. You may contact Marie Logan at mlogan@earthjustice.org and Michelle Ghafar at mghafar@earthjustice.org with any questions about this submission. EJC-111

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West Oakland Neighbors

INDEX OF ATTACHMENTS IN SUPPORT OF COMMENTS

We submit the following documents into the record regarding the Oakland Harbor Turning Basins Widening Project together with our June 16, 2023 comments. All attachments listed below are viewable and downloadable at the following link:

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EXHIBIT A

[February 14, 2022 Coalition Letter omitted due to inclusion as “Exhibit B”, above]

EXHIBIT B

EDWARD W. CARR, PH.D.

Biography

Dr. Carr is the Vice President of Research and Operations at Energy and Environmental Research Associates, LLC. He is an expert in emissions, air quality, and economic analysis in the mobile, non-road, and biogenic sectors. He has worked on transportation air quality, fuels, and emissions inventory projects for federal, state, NGO, and industry clients. Dr. Carr's recent publications include work on the air quality and health impacts of ship fuels, economic incentives for alternative fuels in the shipping industry, and macroeconomic modeling of transportation electrification and alternative fuels. He received his Master of Marine Policy, and Ph.D. in Marine Studies from the University of Delaware (Newark, DE) and an A.B in Biology from Bowdoin College (Brunswick, ME).

Oakland Harbor Turning Basins Widening: Peer review services for evaluating Air Quality, Emissions, and Economic Analysis: Operations and Emissions

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V3

June 12, 2023

This document provides expert peer-review consulting services of the U.S. Army Corps of Engineers (USACE, or the Corps) 2023 "Oakland Harbor Turning Basins Widening: Draft Integrated Feasibility Report and Environmental Assessment"[1] ("the EA") and relevant Appendices.

Specifically, this technical memo focuses on the following question(s):

1) What is the emissions profile of a typical ultra-large container vessel when it visits a port?
    a) How does the fuel and technology used by ultra-large vessels compare to the fuel and technology used by vessels that presently visit the Port of Oakland?
    b) What are the operational differences between ultra-large vessels and vessels that presently visit the Port of Oakland?
        i) Do AIS data show that ultra-large vessels are associated with longer periods of time idling, waiting at berth, or waiting for their next call assignments?
        ii) What differences may be expected in terms of greater use of cargo handling equipment to move larger amounts of cargo at once?
        iii) What impacts may there be to truck and rail movements in terms of congestion of equipment, truck, and rail due to increased, simultaneous operation?
    c) How might truck trips change due to visitation by ultra-large container vessels?

Project Overview

The EA's purpose is to determine the technical, environmental, and economic feasibility of expanding and modifying the Inner Harbor Turning Basin and the Outer Harbor Turning Basin, shown as A and B in Figure 1, respectively.

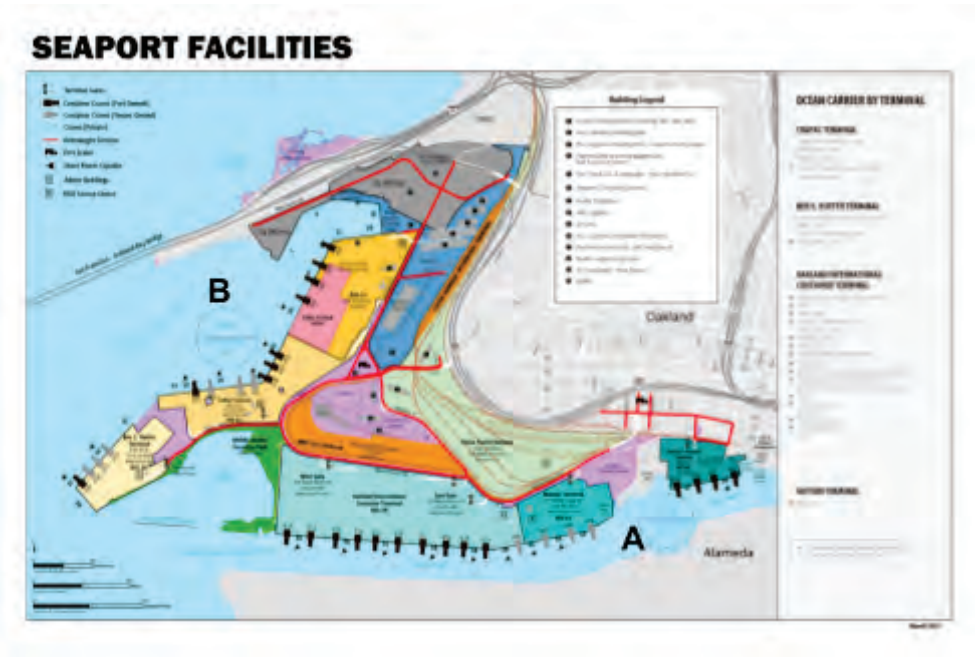

Figure 1: Port of Oakland navigation features, including the Inner Harbor Turning Basin (A) and Outer Harbor Turning Basin (B). Source: Port of Oakland.

[1] EA and Appendices available at https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Current-Projects/Oakland-Harbor-Turning-Basins-Widening/

Expansion of the turning basins is proposed to allow larger Fourth Generation (Gen IV) Post-Panamax vessels, which do not fit through the Panama Canal, to maneuver more easily within the Port. Gen IV vessel characteristics are shown in Table 1. Gen IV vessels range from 15,000 to 23,000 twenty-foot equivalent units (TEUs) and the project design vessel is estimated to be around 19,000 TEUs. Presently, port operators and Harbor Pilots state that each Gen IV vessel creates delays of 3-4 hours per transit due to Pilot restrictions. Gen IV vessels necessitate "additional tugs, pilots, and specific schedules to operate safely" due to the size of the turning basin.[2] Tide and current conditions further restrict the movements of Gen IV vessels at the Port of Oakland.

Table 1: Post-Panamax Gen IV vessel

Post-Panamax Gen IV	Design Vessel	From	To
Beam (ft)	193	168	200
LOA (ft)	1,310	1,295	1,315
Draft (ft)	52.5	52.5	52.5
TEUs	19,000	15,000	23,000

Research Questions

What is the emissions profile of a typical ultra-large container vessel when it visits a port?

MSC Anna

The MSC Anna was the largest container vessel ever to call at the Port of Oakland. The vessel characteristics of the MSC Anna, and the MSC Amsterdam are shown in Table 2 below.

Table 2: MSC Amsterdam and MSC Anna Vessel Specifications

Vessel Name	MSC Anna	MSC Amsterdam
IMO Number	IMO9777204	IMO9606338
Deadweight Tonnage	185,503 DWT	185,541 DWT
Gross Tonnage	187,587 GT	176,490 GT
TEU Capacity	19,200 TEU	16,652 TEU
Service Speed (kts)	14.5 knots	23 knots
Main Engine Power (kW)	60,140 kW	59,780 kW
LOA (m)	400 m (1,312 ft)	399 m (1,309 ft)
Beam (m)	58.6 m (192.3 ft)	54 m (177.2 ft)
Draft (m)	16m (52.5 ft)	16 m (52.5 ft)

[2] EA Appendix C, Section 2.5.1.

MSC Anna: Port Call Description

The MSC Anna called on April 16, 2020, passing under the Golden Gate Bridge at 20:03 local time. The MSC Anna transited at 10-12 kts initially to the west of the Golden Gate, with speeds dropping to 6-8 kts under the Golden Gate Bridge. Speeds varied between 6 and 10 kts transiting the bay, and then began to slow down to around 3 kts after passing under the Bay Bridge and entering the Port, maneuvering in the approach to the Inner Harbor Channel. MSC Anna reached the berth at the OICT at around 21:25 local time, a transit time of 1h22m. MSC Anna was observed to remain at berth for around 31h. For the outbound journey, MSC Anna left the berth at around 04:20 and passed under the Golden Gate Bridge at 06:11

MSC Anna: Speed Over Ground and Engine Load

Main engine loads for the MSC Anna are between 20 - 25% west of the Golden Gate Bridge dropping to 8% under the bridge, and maintaining load at 8 - 15% until Alcatraz. Main engine load drops from 12.5% at Alcatraz to around 6% by the time the vessel moves under the Bay Bridge (Figure 2).

For the outbound journey, MSC Anna left the berth at around 04:20 and passed under the bridge at 06:11 traveling at a speed of 15.8 kts. Outbound the MSC Anna main engine load was around 12% under the Bay Bridge (SOG = 8.9 kts), 27% at Alcatraz (SOG = 11.7 kts), and 68% (SOG = 15.8 kts) outbound under the Golden Gate Bridge

Figure 2: Speed over ground positions and main engine load factor as the MSC Anna calls at the Port of Oakland

MSC Anna: Default Auxiliary Engine Loads

Data on the size of the MSC Anna's auxiliary engines are not publicly available, but the 2021 emission inventory for the Port of Los Angeles[3] lists the following default auxiliary engine loads (Table 3) for a 19,000 TEU container ship, which we may reasonably expect to be similar to the MSC Anna. We assume that MSC Anna plugged into shore power and auxiliary engine berth hotel loads and corresponding vessel emissions were zero, with any emissions associated with the shore power system and electricity grid.

Table 3: Default auxiliary engine load assumptions for 16,000 TEU and 19,000 TEU container vessels from the 2021 Port of Los Angeles emission inventory

Mode	**16,000 TEU Load (kW)**	**19,000 TEU Load (kW)**
Transit	1,793 kW	1,950 kW
Maneuvering	2,179 kW	2,275 kW
Berth Hotelling	1,150 kW	1,350 kW
Anchorage Hotelling	1,271 kW	1,475 kW

The vessel was able to pull directly into the berth upon arrival, with very limited maneuvering, and no time at the anchorage. Therefore these emissions estimates represent a conservative lower bound for round trip vessel emissions for a Gen IV container ship calling at the Port of Oakland.

Default Anchorage and At-Berth Emissions

For the MSC Anna, the largest vessel to call on the Port of Oakland, if the vessel does not use shore power for any reason, it may be expected to consume around 0.273 MT of MDO/MGO fuel per hour (Table 4), emitting around 0.80 MT CO_2 per hour, and 0.019 MT NOx per hour at berth. Were a vessel like the MSC Anna to visit the anchorage it may be expected to emit around 0.88 MT CO_2 and 0.021 MT NOx hourly.

Table 4: At berth and anchorage CO_2 and NOx emissions for the MSC Amsterdam and the MSC Anna based on default auxiliary load assumptions

	CO_2 (MT hourly)		NOx (MT hourly)		PM_{10} (MT Hourly)[4]	
	At Berth	Anchorage	At Berth	Anchorage	At Berth	Anchorage
MSC Amsterdam	0.68	0.75	0.017	0.018	0.0035	0.0039
MSC Anna	0.80	0.87	0.019	0.021	0.0041	0.0045

[3] https://kentico.portoflosangeles.org/getmedia/f26839cd-54cd-4da9-92b7-a34094ee75a8/2021_Air_Emissions_Inventory

[4] Per EPA's Port Emissions Inventory Guidance, $PM_{2.5}$ makes up 92% of PM_{10} for Category 3 ocean-going vessels. See Section 3.5.3 of https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1014J1S.pdf

MSC Anna: Fuel Consumption and Emissions

Based on AIS speeds observed, while in the San Francisco Bay we estimate that the MSC Anna's main and auxiliary engines consumed as much as 3.97 MT of fuel (Table 5), most likely 0.1% S MGO/MDO, in compliance with the North American ECA and CARB regulations. Carbon dioxide emissions associated with fuel consumption at around 12.72 MT CO_2 along with 0.34 MT NO_x.[5] Main + auxiliary engine emissions are shown in the Table 5 below, broken down by emissions in each mode of operation observed.[6] Estimated fuel consumption and emissions are for the vessel only, and do not account for operations of harbor craft associated with the vessel's entrance and clearance of the port.

Table 5: Main plus auxiliary engine emissions for the MSC Anna calling at the Port of Oakland

Species	**Berth**	**Cruise**	**Maneuvering**	**Total**
Total Fuel Consumption (MT)	-	3.50	0.47	3.97
CO_2 Emissions (MT)	-	11.21	1.51	12.72
NO_x Emissions (MT)	-	0.31	0.04	0.34
PM_{10} Emissions (MT)	-	0.01	0.01	0.02

MSC Amsterdam

The MSC Amsterdam has very similar engine characteristics to the MSC Anna, the largest ship ever to call at the Port of Oakland, described in the prior section. The vessel lengths are nearly identical, the beam (width) of the MSC Anna is 4.6 m, or 15.1 feet, wider than the MSC Amsterdam. From an energy perspective, main engine power differs by just 360kW between the two vessels. We include the MSC Amsterdam here as a second example of movements and emissions of a large container ship. The vessel characteristics of the MSC Amsterdam are shown in Table 6.

Table 6: MSC Amsterdam and MSC Anna Vessel Specifications

Vessel Name	MSC Amsterdam
IMO Number	IMO9606338
Deadweight Tonnage	185,541 DWT
Gross Tonnage	176,490 GT
TEU Capacity	16,652 TEU
Service Speed (kts)	23 knots
Main Engine Power (kW)	59,780 kW
LOA (m)	399 m (1,309 ft)
Beam (m)	54 m (177.2 ft)
Draft (m)	16 m (52.5 ft)

[5] MSC Amsterdam and MSC Anna both have keel laid dates in 2015, and are therefore Tier II vessels, with a slow speed engine NO_x emission rate of 14.4 $g.kWh^{-1}$, adjusted for low loads.
[6] We define the western boundary of emissions as from when a vessel passes under the Golden Gate Bridge inbound and outbound, per the 2020 Port of Oakland Emission Inventory

MSC Amsterdam: Port Call Description

The MSC Amsterdam was the largest container vessel to call at the Port of Oakland in 2022 based on analysis of automatic identification system (AIS) data obtained from the Marine Cadastre[7] for all of 2022. We include the MSC Amsterdam as a second example of vessel movements by large container ships calling at the Port of Oakland. MSC Amsterdam was not observed leaving the port in the AIS data we sampled, and thus only the inbound leg of the voyage is available.

The MSC Amsterdam called on May 21, 2022, passing under the Golden Gate Bridge at 17:48 local time with a reported draft of 10.9 m, or 35.8 ft. MSC Amsterdam reached the berth at the OICT at around 18:55 local time, a transit time of 1h07m.

MSC Amsterdam: Speed Over Ground and Engine Load

The MSC Amsterdam passed under the Golden Gate Bridge at 13-14 kts until reaching Alcatraz, where the main engine load was 18%, then began to slow down to around 8.5 kts under the Bay Bridge (load = 8%). Entering the Port, maneuvering speed dropped to around 3.5 kts approaching the Inner Harbor Channel (Figure 3).

Main engine loads for the MSC Amsterdam are between 20 - 25% from west of the Golden Gate Bridge to just east of Alcatraz. Main engine load drops from 21.1% at Alcatraz to under 10% by the time the vessel moved under the Bay Bridge.

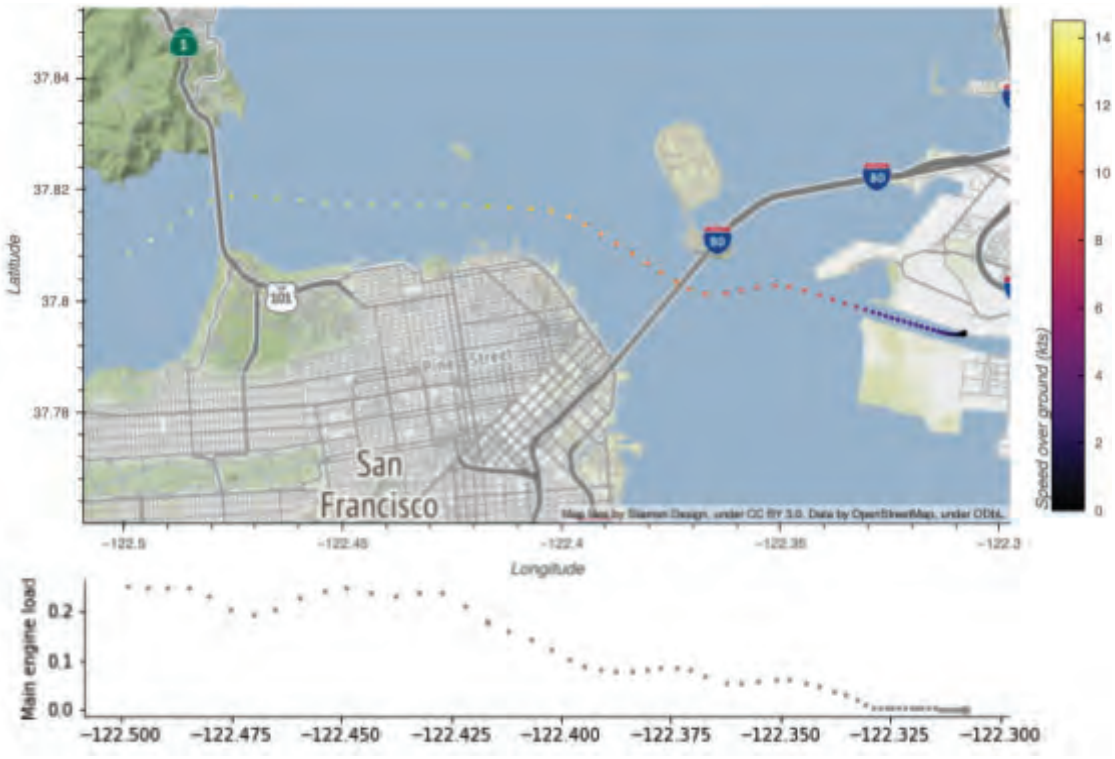

Figure 3: Speed over ground, positions, and main engine load for the inbound leg of the MSC Amsterdam calling at the Port of Oakland

[7] https://marinecadastre.gov/ais/

MSC Amsterdam: Default Auxiliary Engine Loads

Data on the size of the MSC Amsterdam's auxiliary engines are not publicly available, but the 2021 emission inventory for the Port of Los Angeles[8] lists default auxiliary engine loads for a 16,000 TEU container ship (Table 3), which we may reasonably expect to be similar to the MSC Amsterdam. The MSC Amsterdam was commissioned to use the Port's shore power system at OICT on May 22,[9] indicating that the vessel plugged into the Port's shore power system upon arrival. Therefore we assume that auxiliary engine berth hotel loads and corresponding vessel emissions were zero, with any emissions associated with the shore power system and electricity grid.

The data for the MSC Amsterdam are one way, as the AIS data did not show the vessel leaving the Bay. Furthermore, the vessel was able to pull directly into the berth upon arrival, with very limited maneuvering, and no time at the anchorage. Therefore these emissions estimates represent a conservative lower bound for inbound vessel emissions in the Bay.

Were a vessel like the MSC Amsterdam to visit the anchorage, based on the default auxiliary load assumptions described, auxiliary engines would consume around 0.24 MT of MDO/MGO fuel per hour (Table 4), emitting around 0.75 MT CO_2 per hour, and 0.018 MT NOx per hour. Note that for the Corps' design vessel, similar to the MSC Anna, those emissions would increase by around 18% based on the default auxiliary engine loads.

MSC Amsterdam: Fuel Consumption and Emissions

Based on AIS speeds observed, we estimate (Table 7) that the MSC Amsterdam's main and auxiliary engines consumed as much as 1.36 MT of fuel in the San Francisco Bay,[10] most likely 0.1% S MGO/MDO, in compliance with the North American ECA and CARB regulations. Carbon dioxide emissions associated with fuel consumption at around 4.37 MT CO_2 along with 0.12 MT NO_x.[11] Main + auxiliary engine emissions are shown in Table 7 below.

Table 7: Main plus auxiliary engine emissions for the MSC Amsterdam calling at the Port of Oakland

Species	**Berth**	**Cruise**	**Maneuvering**	**Total**
Total Fuel Consumption (MT)	-	1.24	0.12	1.36
CO_2 Emissions (MT)	-	3.98	0.39	4.37
NO_x Emissions (MT)	-	0.12	0.01	0.12
PM_{10} Emissions (MT)	-	0.01	0.00	0.01

[8] https://kentico.portoflosangeles.org/getmedia/f26839cd-54cd-4da9-92b7-a34094ee75a8/2021_Air_Emissions_Inventory

[9] See "List of Approved Shore Power Vessels" at the Port of Oakland at https://www.oaklandseaport.com/development-programs/shore-power.

[10] Per the 2020 Port of Oakland Emission Inventory, the western boundary of emissions analysis is the Golden Gate Bridge.

[11] MSC Amsterdam and MSC Anna both have keel laid dates in 2015, and are therefore Tier II vessels, with a slow speed engine NO_x emission rate of 14.4 $g.kWh^{-1}$, adjusted for low load operations.

How does the fuel and technology used by ultra-large vessels compare to the fuel and technology used by vessels that presently visit the Port of Oakland?

Ultra-large vessels are generally newer builds, post-2016, and are more likely to have Tier III engines on board. As noted in the EA, Gen IV vessels are generally scheduled on European routes for a number of years due to economies of scale, high profitability on those routes, and a tightening regulatory environment in Europe before being redeployed to the Pacific. As the fleet turns over, Gen IV vessels will call at California Ports in greater numbers. While it is likely that newer vessels go to European routes before Pacific routes, the benefits of IMO carbon intensity regulations[12] may be felt more slowly among older vessels, but they are likely to have an impact as the regulations are applied for each individual vessel. Larger vessels that do call on California usually call at San Pedro Bay ports first, arriving to Oakland lighter due to draft constraints (Oakland is dredged to 50 ft, Gen IV drafts are usually around 52.5 ft, and the Port of Los Angeles' main channel is maintained at 53 ft). Scrubbers are not allowed within California waters,[13] and all engines must be fully operating on 0.1% S fuels within 24 nautical miles of the shoreline.

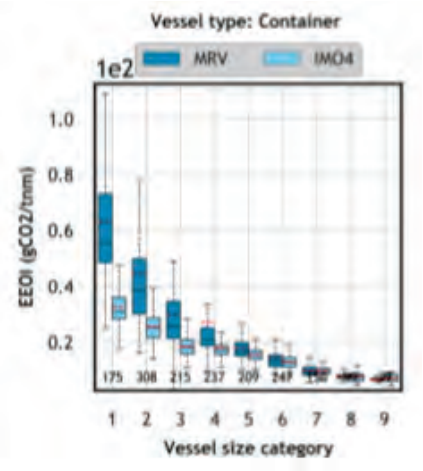

Figure 4: Carbon intensity of container ships by size bin.[14]

Larger vessels are more fuel efficient per nautical mile sailed (Figure 4), and correspondingly the carbon intensity of larger container vessels per ton-nautical mile is lower.[15] Per the Fourth IMO Greenhouse Gas Study (GHG4), Table 60, the carbon intensity of IMO Category 9 vessels (20,000+ TEUs), is 7.7 gCO_2/t-nm, compared to 8.0 gCO_2/t-nm for Category 8 container vessels (14,500 - 19,999 TEUs). Data from the Port of Oakland's 2020 Emission Inventory, recreated in Table 8 below, show that 50.6% of calls at the Port are from

[12] https://www.imo.org/en/MediaCentre/HotTopics/Pages/EEXI-CII-FAQ.aspx
[13] https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessel-fuel-regulation
[14] Source: IMO GHG4, Figure 108.
[15] See, for example, Figure 73 and Figure 108 in the Fourth IMO Greenhouse Gas Study.
https://www.imo.org/en/ourwork/Environment/Pages/Fourth-IMO-Greenhouse-Gas-Study-2020.aspx

vessels with a capacity of less than 8,000 TEU, and the modal size bin is 8,000 - 10,000 TEUs, which account for 30.2% of voyages.[16]

Table 8: Container ship calls at the Port of Oakland in 2020 by TEU capacity.

Capacity (TEU)	n Voyages
<1,000	0
- <2,000	27
- <3,000	137
- <4,000	74
- <5,000	216
- <6,000	21
- <7,000	111
- <8,000	37
- <10,000	372
- <12,000	119
- <14,000	56
- <16,000	56
16,000+	5
All	**1,231**

GHG4 reports a carbon intensity of 13.4 gCO_2/t-nm for vessels in this size category, indicating that Gen IV vessels are around 42.5% more carbon (and fuel) efficient per unit cargo moved than the current most common container vessel size group at the Port of Oakland (8,000 - 10,000 TEU).

While Gen IV vessels are likely to have Tier III NO_x controls on board, the effectiveness of those controls below 25% engine load is uncertain, with most indications that selective catalytic reduction systems are not operated below 25% engine load (maximum continuous rating), and exhaust gas recirculation systems aren't operated below around 10% engine load.[17] This means that while vessels may be equipped with Tier III NO_x controls, NO_x is unlikely to be controlled to Tier III levels due to low engine loads and associated operational constraints. Accordingly, while the Tier III NO_x emissions rate for slow speed engines is 3.4 gNO_x/kWh, vessels may emit at rates closer to the Tier II limit of 14.4 gNO_x/kWh inside the San Francisco Bay on the approach to the Port of Oakland. Furthermore, there is literature that indicates that the performance of Tier III control technologies can degrade over time through sulfur poisoning, thermal decomposition, and carbon deposition.[18] Given that container vessels slow down significantly passing under the Golden Gate Bridge, engine loads are often well below 25%, and below 10% east of the Bay Bridge, NOx emissions from Gen IV vessels equipped with Tier III NOx controls operating at low loads in the near shore environment are likely to be more closely aligned with Tier II emission rates, which are more than 4x greater than Tier III emission rates.

Low load adjustment factors presented in the EPA Port Emissions Inventory Guidance[19] show that NOx, PM, and CO_2 emission factors increase at loads below 20%. At 15% main engine load, NOx emission factors increase by 1.06x, and by 1.22x at 10%. At 2% main engine load, the lower limit of the tables provided, NOx emission factors increase by 4.63x.

[16] See Table 2-1. https://www.portofoakland.com/files/PDF/Port%20Oakland%202020%20Emissions%20Inventory%20Final%20Report.pdf

[17] MEPC 80/5/1 Assessment of Low-Load Performance of IMO NOX Tier III Technologies.

[18] https://doi.org/10.1039/C1CY00007A and https://doi.org/10.1016/j.applthermaleng.2014.02.021.

[19] https://www.epa.gov/state-and-local-transportation/port-emissions-inventory-guidance

What are the operational differences between ultra-large vessels and vessels that presently visit the Port of Oakland?

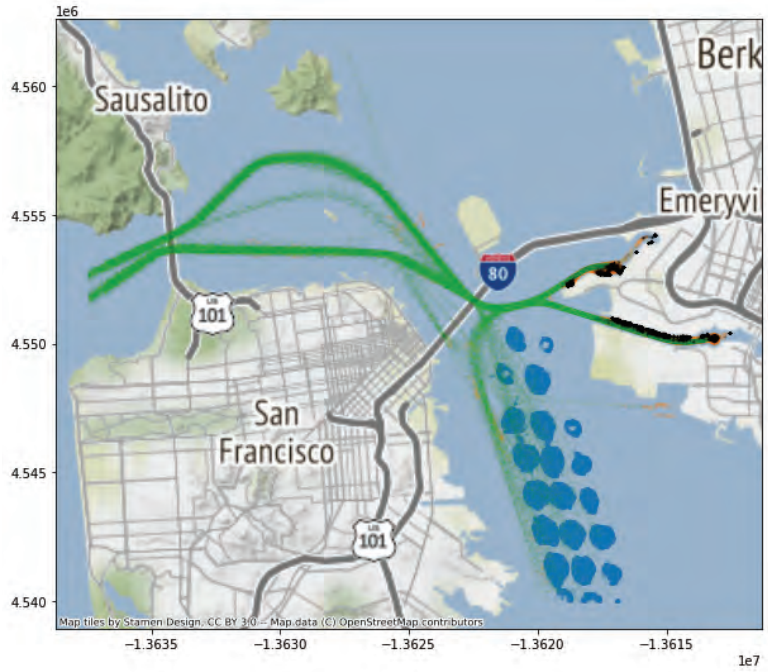

Figure 5: AIS positions of vessels calling at the Port of Oakland in 2015 shown in transit (green), at anchor (blue), maneuvering (orange) and at berth (black).

Do AIS data show that ultra-large vessels are associated with longer periods of time idling, waiting at berth, or waiting for their next call assignments?

We analyzed 848 voyages identified from the AIS. After removing outliers for time at anchor and time at berth, associated with non-standard operations or mis-characterisation by our algorithms, we were left with 799 voyages, with 282 unique vessels (Figure 5).

The data do not indicate differences in cruise or maneuvering times across voyages, comparing vessels less than 300m long with vessels longer than 300m, shown in Table 9.[20] On average, vessels spend 3.2 - 3.6 hours cruising with the AIS sample, and 0.4 - 0.5 hours maneuvering. T-tests testing for significant differences in the population means found no significant difference in hours spent in cruise or maneuvering mode ($p = 0.22$ and $p = 0.88$, respectively). Mean time spent at anchorage, when sent to the anchorage, is significantly longer for the larger vessel group (means = 153.5 and 103.8 hours, $p = 0.002$). Additionally, as expected, vessels in the larger group spend an average of 90.3 hours at berth, significantly more than the smaller vessels (mean = 70.0, $p < 0.001$).

Table 9: Mean time at anchor, berth, cruising, and maneuvering by vessel length at the Port of Oakland in 2022

[20] This cutoff corresponds to a deadweight of around 90,000 DWT, which breaks the data into IMO container ship size categories 1-5 (< 300m), and 6-9 (<= 300m).

	Vessel Length	
Time at… (h)	< 300m	>= 300m
Anchor	103.8	153.5
Berth	70.0	90.3
Cruise	3.2	3.6
Maneuvering	0.5	0.4

We also compared the likelihood of being sent to the anchorage for vessels of different sizes. For the largest vessels, those longer than 350m, we identified 21 voyages, of which 9 (42.9%) visited the anchorage. For vessels longer than 300m, we identified 263 voyages, of which 29.3% visited the anchorage. The percent of voyages for vessels less than 300m that visited the anchorage was 16.4%. There were no significant differences in the time spent at anchorage among the three groups.

What differences may be expected in terms of greater use of cargo handling equipment to move larger amounts of cargo at once?

The Corps' stated goal of the proposed project is to reduce congestion and risk, by enabling faster and safer turning of larger vessels in the turning basins. The turning basin expansion does not, per se, enable larger Gen IV vessels to call at the Port. Gen IV vessels have already called at the Port, albeit in low numbers. Channel depth, berth depth, crane reach, crane height, and yard space and handling are primary constraining factors that are unchanged with this project. Terminal expansions are planned or already underway, independent of the turning basin expansion project, and this project will not add additional berths, cranes, or yard space.

It is likely that the Port of Oakland will see increasingly larger vessels, discharging larger container volumes. Gen IV vessels are proliferating through the fleet, offering greater economies of scale and, importantly, lower emissions per unit of cargo transported. Container vessels typically visit Oakland after calling, and offloading, at the San Pedro Bay Ports. This proposed project aims to make calls from larger container ships safer and more efficient, but the routing of those vessels is also a function of macroeconomic factors outside of the proposed turning basin expansion.

Data from the International Transport Forum indicate that larger vessels may actually reduce the rate at which cranes load and unload cargo, as the distances traversed are larger and therefore container move cycles are longer.[21] The Corps' assumption is that total calls will remain flat, meaning projected container throughput increases will be driven by larger vessels, unloading larger cargoes, but over a proportionally longer period of time. It is reasonable to assume that, were throughput to double as a result of doubling TEUs/call, a single ship might sit at berth for less time than two smaller vessels unloading the equivalent total cargo, as waiting, maneuvering, and berthing time would need to be factored in for the two smaller vessels.

This scenario may introduce a pulse of containers when the vessel arrives, which may strain yard and cargo handling capabilities if not properly prepared, as the cranes would potentially be in more frequent loading/unloading operation rather than sitting idle for the period of time while one vessel departs and the next maneuvers into the berth. Additional yard operations in terms of container stacking and moves may also

[21] https://www.itf-oecd.org/sites/default/files/docs/15cspa_mega-ships.pdf

be required. Under this scenario it is possible that cargo handling needs would increase, within the constraints of the yard size, available cargo handling capacity, and gate opening times.

Arrivals of Gen IV vessels in significant numbers and their associated cargoes are also likely to require changes in yard and labor practices. Yards may need to increase stack heights to accommodate greater volumes and labor demand may be more episodic, correlated with the arrival of large ships that introduce more demand peaks.

What impacts may there be to truck and rail movements in terms of congestion of equipment, truck, and rail due to increased, simultaneous operation?

Around 10% of imports at the Port of Oakland are moved by rail, and rail facilities at the port are near-dock not on-dock, requiring additional transport across terminal aprons to the rail yards. In contrast, around 60% of imports at the Port of Los Angeles move via rail.[22] Container rail dwell times, the time between the container being unloaded from the vessel and loaded onto a train, were reportedly 9-12 days in Oakland in June 2022, up from 3-4 days previously. The delay is reportedly due to a lack of capacity to move containers to off-dock rail facilities.

Trucks arriving at the Port of Oakland primarily arrive via one of three freeway interchanges: Maritime/West Grand Street, Seventh Street, and Adeline/Market Street. Truck movements are calculated using a few metrics, including gate counts in the Port's eModal system, truck count surveys, and inferred truck counts based on container movements. Data from 2020, reported in the Port's 2020 Emission Inventory, show 1,391,171 total truck visits to marine terminals, and an additional 54,855 truck visits to rail terminals.

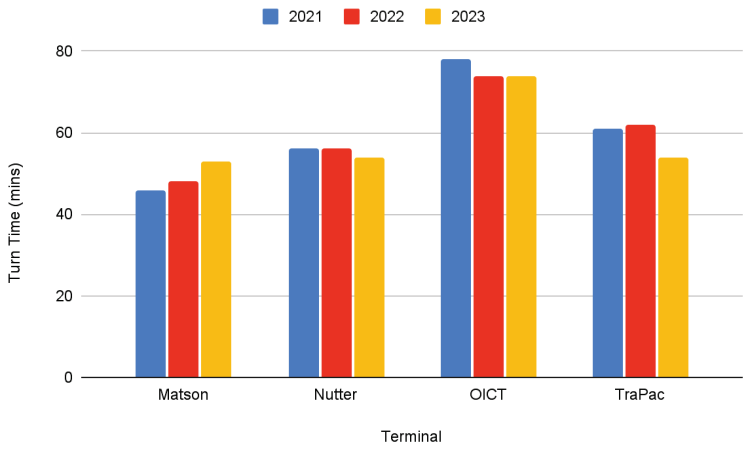

Figure 6: Mean turn times from 2021 - 2023 for trucks calling at Port of Oakland container terminals.

The 2020 Emission Inventory reports that, on average, trucks idle at the gate for an average of 8 minutes, and idle in the terminal for 20 minutes. Notably, these data are from surveys performed in 2005 and 2012, and may not be fully reflective of the current situation. Total turn times, that is the time from when a truck enters the terminal gate, loads and/or unloads cargo, and leaves the terminal, are shown in Figure 6.[23] These data

[22] https://www.cnbc.com/2022/07/08/railroad-bottleneck-at-west-coast-ports-reaches-inflection-point.html
[23] Data compiled from https://portofoakland.emodal.com/HistoricalTruckTurnTime

show that mean turn times at the Nutter Terminal decreased from 56 minutes in 2021 and 2022 to 54 minutes in 2023. Turn times are longer at the OICT, down from an average of 78 minutes in 2021 to 74 minutes in 2022 and 2023.

With larger vessels and associated larger TEU discharges, we may expect to see pulses of containers needing to move through the port, requiring twice as many, or more, truck trips for a single vessel call. While the rate at which containers are moved off the vessel may be lower due to the larger size of the vessel and longer container lift trips, the total volume of containers will be greater, requiring efficient yard handling practices, including stacking higher, additional labor, and automation.

This has the potential to lead to congestion effects if terminals do not efficiently plan for and stage cargo to be transported on and off the vessel. These pulses in TEUs may require longer gate hours and additional truck operators to efficiently move the cargo. From a rail perspective, container dwell times are already extended due to a lack of capacity to move containers to off-dock rail facilities. Additional pulses in cargo associated with larger container ships would likely strain those dwell times further.

How might truck trips change due to visitation by ultra-large container vessels?

Ultra-large container vessels may introduce a pulse of containers when the vessel arrives, which may strain yard and cargo handling capabilities with the potential for cascade effects through to drayage. At present, the Port reports that large vessels load and unload as many as 2,500 containers when visiting the Port,[24] with the average TEU per call up from around 1,672 in 2015[25] to around 2,000 in 2020.[26] The Corps assumption is that the number of calls will be unchanged in future scenarios, and with throughput set to roughly double, this means that TEUs per call will also, on average, double.

As noted in the prior sections, larger vessels, and associated larger TEU discharges, may lead to pulses of larger volumes of containers needing to move through the port at a given time, requiring twice as many, or more, truck trips for a single vessel call. These pulses in TEUs may require longer gate hours, additional truck operators, and additional chassis to efficiently move the cargo. These pulses may also induce short-term labor effects, including shortages, overtime, and union-related issues.

For reference, Table 5-6 in the Ports 2020 emission inventory, recreated in Table 10, shows NOx emission rates of 41.07 gNOx/hr while idling, and 10.55 gNOx/mile traveling at 10mph or below. NOx emission rates fall further to 4.35 gNOx/mile at 35mph.

Table 10: NOx and PM_{10} average emission factors by speed for drayage trucks in the 2020 Port of Oakland Emission Inventory.

Speed (mph)	NOx	PM_{10} Total	Unit
0	41.07	0.014	g/hr
10	10.55	0.217	g/mile

[24] https://www.portofoakland.com/seaport/port-oakland-steps-ships-carry-bigger-loads-ever/
[25] https://www.bts.gov/archive/publications/port_performance_freight_statistics_annual_report/2016/ch3
[26] https://www.portofoakland.com/files/PDF/Port%20Oakland%202020%20Emissions%20Inventory%20Final%20Report.pdf

35	4.35	0.174	g/mile

We have provided an example calculation for a truck dropping off/picking up a container at OICT, entering the 7th Street Gate, which corresponds to the shortest distance to Berths 55-56. Assuming a one-way distance of 1.44 miles from gate to berth, travel speeds of 13.5 mph, gate delays of 8 minutes, and a total turn time of 74 minutes, we might expect a single truck round trip to generate around 75 grams of NOx, of which 69% is attributable to idling and 31% to emissions while moving. This same truck trip could also generate 0.62 grams of PM_{10} (0.57g $PM_{2.5}$), 97% of that while driving. For terminals where distances are longer emissions would be greater, though NOx emissions increase at low speed, and are greatest while idling.

Table 10: 2015 TEU throughput, container calls, and TEUs per calls at the Port of Oakland and the three largest container ports.

Port	TEUs	Container Calls	TEU/ call
POAK	2,340,000*	1,361	1,672
POLB	7,192,000	983	7,320
POLA	8,160,000	1,086	7,494
NYNJ	6,732,000	2,270	2,808

In practice, there is likely to be an asymmetric effect, where the mean TEUs per call is skewed by calls from ultra-large container ships that may unload more than 4,000 TEUs per call. Table 11 shows that although the Port of Oakland receives more container calls than the Ports of Los Angeles and Long Beach, the TEUs per call at Oakland are far lower. In future, ultra-large container ships may reasonably be expected to load/unload 4,000+ TEUs per call. A typical tractor trailer and chassis can move a forty-foot container, or 2 TEUs. This corresponds to approximately one additional truck trip per additional 2 TEUs of throughput, as roughly 90% of TEU throughput at the port is moved via truck.

EDWARD W. CARR, PH.D.
VP Research and Operations
Energy and Environmental Research Associates, LLC.

EDUCATION

Ph.D. Marine Studies, University of Delaware, Newark, DE. 2017
M.M.P. Master of Marine Policy, University of Delaware, Newark, DE. 2014
B.A. Biology, Bowdoin College, Brunswick, ME. 2008

EXPERTISE AND EXPERIENCE

Dr. Carr has over a decade years of experience working on projects related to air quality, climate, emissions, energy and economic analysis in the mobile, non-road, and biogenic sectors. Dr. Carr has worked on air quality and emissions inventory projects for federal, state, NGO, and industry clients, including the U.S. EPA (Office of Transportation and Air Quality), U.S. FHWA, U.S. DOT Maritime Administration, and South Coast Air Quality Management District. Dr. Carr brings expertise in policy analysis, geospatial analysis, and economic and data analysis. He has published work on the economics and health benefits of emissions abatement technology in ships, analyzing the use of economic instruments to incentivize alternative fuels in the shipping industry, the costs and benefits of alternative fuels in medium and heavy-duty transportation, and the macroeconomic factors affecting heavy-duty truck purchasing decisions. Dr. Carr's works also includes macro- and micro-economic modeling of large-scale electrification and transportation projects. Dr. Carr earned his Master of Marine Policy, and Ph.D. in Marine Studies from the University of Delaware, and A.B. In Biology from Bowdoin College.

PROJECT SUMMARIES

- **New York State Energy Research and Development Authority (NYSERDA):** Supported development of an assessment of the New York State methane emissions inventory and developed an updated methodology to geospatially estimate methane emissions from oil and natural gas infrastructure.
- **Environmental Protection Agency (EPA)**: Development of Category 3 marine vessel emissions model methodology; Shore power technology assessment and development of energy use and emissions calculator (2017 and 2022 reports); Port Everglades emissions inventory vessel projection; Analysis of Heavy-Duty Vehicle Sales Impacts due to New Regulation; EPA Subpart W.
- **REMPEC (2018-2022):** Drafted technical and feasibility study for the proposed Med SOx ECA, road map for the possible designation of the Med SOx ECA, and initial Draft Submission to the International Maritime Organization (IMO) for the designation of the Med SOx ECA. Technical analysis, health modeling, fuel availability study, economic impacts analysis. Country-level readiness and air quality regulations.
- **California Electric Transportation Coalition (CalETC) (2017, 2020):** Macroeconomic Input-Output analyses of impacts of transportation electrification in regions throughout the United States. Bottom-up survey estimation of workforce needs to meet battery electric vehicle infrastructure demand.
- **California Hydrogen Fuel Cell Partnership (2022):** Hydrogen vehicle report, including industry overview, analysis of existing fueling infrastructure, and bottom-up survey estimation of workforce needs to meet hydrogen vehicle infrastructure demand.
- **Ocean Conservancy (2022):** Reducing Greenhouse Gases in the Maritime Sector: Approaches for Decarbonizing the U.S. Fleet**.** Decarbonization analysis and alternative maritime fuels discussion. Analysis of AIS-derived fleet movements for U.S. flag and federally owned and operated vessels and economic costs.
- **Macroeconomic Input-Output Analysis:** Macroeconomic Input-Output analysis of the economic impacts of constructing a new transmission line and associated substations. Projects include PSEG Long

Island Expansion (2018), Nassau County, New York, and New York Energy Solution Transmission Project.

- **IMO (2022):** Co-authored Just In Time Arrival Emissions Reduction Potential in Global Container Shipping with MarineTraffic. Analysis of global container ship AIS positions to determine waiting times and optimal speeds to reduce voyage GHG emissions.

PAPERS AND REPORTS

EPA (2022) Shore Power Technology Assessment 2022 Update. EPA-420-R-22-037. EERA and ERG as co-lead authors. https://www.epa.gov/ports-initiative/shore-power-technology-assessment-us-ports

REMPEC (2022) Proposal to Designate the Mediterranean Sea, as a Whole, as an Emission Control Area for Sulphur Oxides. MEPC 78/11. https://wedocs.unep.org/bitstream/handle/20.500.11822/37136/21ig25_27_2514_eng.pdf. EERA led writing of the proposal documents, as well as the road map and technical and feasibility study.

Edward W Carr, James J Winebrake, Samuel G Winebrake, Erin H. Green. (2022). Reducing Greenhouse Gases in the Maritime Sector: Approaches for Decarbonizing the U.S. Fleet. Prepared for Ocean Conservancy. https://oceanconservancy.org/wp-content/uploads/2022/10/Decarbonising-the-US-Flagged-Fleet-Working-FINAL-23Aug2022_layout.pdf

IMO-Norway GreenVoyage2050 Low Carbon GIA (2022) Just In Time Arrival Emissions Reduction Potential in Global Container Shipping. EERA and MarineTraffic as co-lead authors. https://greenvoyage2050.imo.org/wp-content/uploads/2022/06/JIT-Container-Study.pdf

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EXHIBIT C

Marie Logan

From: Oakland Harbor Turning Basins Study <OaklandHarborTurningBasinsStudy@usace.army.mil>
Sent: Monday, May 22, 2023 5:57 PM
To: Katrina Tomas; Oakland Harbor Turning Basins Study
Cc: Marie Logan; Michelle Ghafar; margaret.woeip@gmail.com; bbeveridge@woeip.org; Jolliffe, Eric F CIV USARMY CESPN (USA)
Subject: RE: Comment Period on Oakland Harbor Turning Basins

External Sender

Dear Ms. Tomas,

Thank you for your email. The U.S. Army Corps of Engineers (USACE) is willing to meet with Earth Justice and the West Oakland Environmental Indicators Project. Please let us know if there is day and time in the coming weeks that you are available.

In recognition of the multiple requests for extension of the public comment period for the Oakland Harbor Turning Basins Integrated Feasibility Report and Environmental Assessment (IFR/EA), USACE has decided to extend the comment period by five additional days, until June 16, 2023. Please recognize that we are unable to provide the requested extension of 60 days.

This is a rerelease of the original December 2021 IFR/EA, for which a 45-day comment period plus 14 day extension was provided, and we received comments from your organization. In recognition of the public interest in this project, USACE opted to initially provide another 45-day comment period of the rereleased report instead of the standard 30 days. USACE is now allowing for a total of 49 days to comment on this rereleased document.

Further, not all sections of the document have been revised. To facilitate public review of the draft report, an outline of changes that have been made since the initial draft report was released, has been provided on page 6 of the Executive Summary. In this rerelease, Appendices A10-a, A10-b, and A10-c are dedicated to the comments received on the previous Draft Report. The appendices provide detailed responses and where in the document they are addressed.

In response to the emailed requests to host another public meeting during the comment period, a second virtual meeting is being scheduled for Wednesday, June 7, 2023 at 6:00 pm.

Kind regards,
The Oakland Harbor Turning Basins Study Project Delivery Team

From: Katrina Tomas <ktomas@earthjustice.org>
Sent: Monday, May 22, 2023 4:54 PM
To: Oakland Harbor Turning Basins Study <OaklandHarborTurningBasinsStudy@usace.army.mil>
Cc: Marie Logan <mlogan@earthjustice.org>; Michelle Ghafar <mghafar@earthjustice.org>; margaret.woeip@gmail.com; bbeveridge@woeip.org
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Comment Period on Oakland Harbor Turning Basins

Hello Mr. Jolliffe,

This is my fourth email requesting an extension of the comment period for the Oakland Harbor Turning Basins Widening Navigation Study. We have not received a response from you or anyone else from the Army Corps to our prior emails sent on May 2, May 8, and May 17. We remain disappointed that the Corps has not responded to our request for an extension of the comment period.

We also saw that the Army Corps' webpage for the Oakland Harbor Turning Basins Widening Navigation Study has changed the original June 12 comment deadline to June 16. We want to confirm that the Army Corps has extended the deadline by four additional days. While we appreciate the extension, we want to urge the Corps to consider further extending the comment period to ensure that community members can engage with the over 1,200 pages of materials prepared for this project.

Finally, we would like to reiterate our request for the Corps to hold another public hearing. As I explained in my previous email, the Corps' technical issues at the May 10 meeting precluded adequate public participation.

Thank you,

Katrina

Katrina A. Tomas
she/her/hers
Associate Attorney
California Regional Office
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
T: 415.217.2116
earthjustice.org

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If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Katrina Tomas
Sent: Wednesday, May 17, 2023 2:53 PM
To: OaklandHarborTurningBasinsStudy@usace.army.mil
Cc: Marie Logan <mlogan@earthjustice.org>; Michelle Ghafar <mghafar@earthjustice.org>; margaret.woeip@gmail.com; bbeveridge@woeip.org
Subject: RE: Comment Period on Oakland Harbor Turning Basins

Dear Mr. Jolliffe,

We have not heard from you in response to our May 2 or May 8 emails. We are disappointed that the Corps has not responded to our request for an extension of the comment period, or the submissions by over 1,000 community members who emailed you to request the extension.

We also write to express disappointment about the technical issues that affected the Corps' virtual public hearing on May 10. Despite pre-registering using Eventbrite, our experience trying to access the meeting was that participants were required to create an account through Eventbrite and then rely for authentication on an existing email address simply to access a Zoom meeting. When the Corps ultimately did send out the Zoom link

about 15 minutes after the hour, the public presentation was already nearly concluded—and anyone who joined late due to the technical issues therefore had no information to respond or react to.

The Corps' technical issues at the May 10 meeting precluded adequate public participation. We therefore reiterate our request that the Corps hold another public hearing to adequately invite comment from members of the community who would be affected by the expansion of the Turning Basins.

Please let us know whether you plan to extend the comment period or hold another public hearing.

Thank you,

Katrina

Katrina A. Tomas
she/her/hers
Associate Attorney
California Regional Office
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50 California Street, Suite 500
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From: Katrina Tomas
Sent: Monday, May 8, 2023 10:02 AM
To: OaklandHarborTurningBasinsStudy@usace.army.mil
Cc: Marie Logan <mlogan@earthjustice.org>; Michelle Ghafar <mghafar@earthjustice.org>; margaret.woeip@gmail.com; bbeveridge@woeip.org
Subject: RE: Comment Period on Oakland Harbor Turning Basins

Hello Mr. Jolliffe,

I wanted to follow up on my previous email requesting a meeting with the Army Corps to discuss the comment period for the Oakland Harbor Turning Basins Widening Navigation Study. In my previous email I included a formal written request to extend the comment deadline for the Revised Draft Integrated Feasibility Report and Environmental Assessment (Revised EA) by 60 days. Earthjustice and West Oakland Environmental Indicators Project would appreciate a timely response to this request.

Thank you,

Katrina

Katrina A. Tomas
she/her/hers
Associate Attorney
California Regional Office
Earthjustice

50 California Street, Suite 500
San Francisco, CA 94111
T: 415.217.2116
earthjustice.org

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From: Katrina Tomas
Sent: Tuesday, May 2, 2023 10:56 AM
To: OaklandHarborTurningBasinsStudy@usace.army.mil
Cc: Marie Logan <mlogan@earthjustice.org>; Michelle Ghafar <mghafar@earthjustice.org>; margaret.woeip@gmail.com; bbeveridge@woeip.org
Subject: Comment Period on Oakland Harbor Turning Basins

Hello Mr. Jolliffe,

This is Katrina Tomas from Earthjustice and the Sustainable Ports Collaborative writing in partnership with West Oakland Environmental Indicators Project (WOEIP).

I'm writing to request a meeting with the Army Corps to discuss the comment period for the Oakland Harbor Turning Basins Widening Navigation Study. WOEIP and Earthjustice have deep concerns that 45 days is insufficient for thoughtful and informed commenting by members of the public, and we are hereby submitting a written request to extend the comment deadline for the Revised Draft Integrated Feasibility Report and Environmental Assessment (Revised EA) by 60 days. In this meeting, we would also like to discuss our concerns about the Army Corps' failure to adequately consult with the West Oakland community on development of the EA.

Please let me know what times you are available this week or next week for a meeting with us.

Thank you,

Katrina Tomas
Marie Logan
Michelle Ghafar
Earthjustice

Ms. Margaret Gordon
Brian Beveridge
West Oakland Environmental Indicators Project

Katrina A. Tomas
she/her/hers
Associate Attorney
California Regional Office
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If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Thursday, December 14, 2023 2:08 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit
Attachments: Earthjustice-Supporter-Comments.docx

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Kyle Berquist

Email: kberquist@earthjustice.org

Message Body:

I am submitting comments in the attached document on behalf of 4,106 Earthjustice supporters that live in California. Thank you for considering their input as your move forward.

Sincerely,
Kyle Berquist
Digital Advocacy Specialist
Earthjustice

Attachment: Earthjustice-Supporter-Comments.docx

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

William Leo Grgurich Jr, Palo Alto, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. At this moment two concepts come to mind. These mega ships are becoming the way to move larger cargo vessels with more items thereby shrinking the number of vessels in the Oceans. Second, currently, the Panama Canal is reporting these newer ships are only 40% full as they transverse through this area due to the lack of rainfall and available water for travel. Furthermore, is there a way to complete this transformation without the negative consequences put forward in this request? The San Francisco Bay area more than likely should make the necessary changes and adjustments for economic reasons and benefits resulting from the industry upgrades on the horizon. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-1

John Ripley, Pasadena, CA
Have lived in the Long Beach port area so was exposed to the same consequences that this issue deals with. Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Thank you for your time and consideration. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Michael Terry, Santa Monica, CA
Since my younger son is a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution offshore and onshore. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

A. Hernday, Santa Rosa, CA
As a local north bay resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a ***detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will ***reverberate through neighboring communities, negatively impacting the health and well-being of residents. ***In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that •••are already burdened by environmental injustice. ***Furthermore, the proposed expansion could harm endangered species ***and water quality in the San Francisco Bay. •••This could have long-lasting impacts on the ecosystem and the overall health of the Bay. ***** I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that •••fully considers the negative impacts of this proposed expansion on our region and •••the health and well-being of West Oakland residents.

Thomas Cassidy, Clovis, CA
The usual cursory, incomplete environmental assessments used by Army Corps of Engineers subservient to oligarch interests was used to contingently proceed with th Oakland Turning basins project.. The Port of Oakland must be more observant of environmental concerns for the West Oakland area which already has an unmitigated harmful environmental burden. As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-2

Russell Symonds, Costa Mesa, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Janice Schroeder, Berkeley, CA
I am strongly against the widening of the Turning Basins in the Oakland Harbor. As a local resident, I

feel this would be inviting more mega ships into Oakland which will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Debra Brackett, Sonora, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the local community by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Suzan Kaplan, Alameda, CA
When a container company that serves the Port of Oakland moved to Alameda for several years, trucks carrying containers backed up on my street, idling in front of my house while they waited to turn left into the container lot. Let me assure you, the trucks spewing toxic pollutants poisoned the air I breathe. Today, I have Parkinson's Disease, widely believed to be caused by pollutants such as those found found in diesel fumes. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-3

M DuPree, Sacramento, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Betty Kissilove, San Francisco, CA
As a local resident, I'm writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kay Selzer, Morro Bay, CA
As a California resident, I have great concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jodi Selene, Sebastopol, CA
Oakland, Alameda and other cities in the Bay Area have too much pollution from trucks and ships! I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-4

David Perry, Palo Alto, CA
DO NOT ALLOW WIDENING OF THE TIDAL BASINS! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland

Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Allegra Printz, San Rafael, CA

My concern is increased SF Bay water pollution from more & bigger cargo ship traffic. Rethink your plan. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-5

Claire Perricelli, Eureka, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maureen Lahiff, Oakland, CA

As a resident of Oakland, I am very concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the

proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Krista Ward, Emeryville, CA
As a local resident and public health professional, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Linda Melsher, Santa Barbara, CA
Widening the turn basins in Oakland is a terrible idea. It would benefit a few giant corporations and foreign billionaires and cost Californians, especially those in the whole Bay Area. They would suffer the immediate disruptions, pay the collateral ongoing environmental & personal costs,and later when toxic waste costs come due, foot the bill with the rest of California. The Army Corps of Engineers is known for its short-sighted, costly decisions. Keep them out! EJS-6

Don Leichtling, San Diego, CA
STOP BEINV GREEDY Potable water is the new Oil and tourists will visit because of CLEAN WATER! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-7

Jennifer Jerlstrom, Buena Park, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This

could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sharon Barbee, Healdsburg, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Cynthia Bailey, Nevada City, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Cynthia Bailey

Peter Garber, South Lake Tahoe, CA
As a Californian, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kimberlee Stevens, Pilot Hill, CA
The San Francisco Bay has been used and abused for too long as a garbage dump, commodities superhighway, economic driver, and bottomless pit of resources, not the delicately balanced ecosystem that is once was and could become again. The San Francisco Bay is an estuary that filters

pollution brought in from upstream, so it cannot proceed into the ocean. By further carving-out and disturbing the wetlands and bay, you will be harming the wildlife, ecosystem, and local residents just to accommodate the delivery of more products to the west coast. As a concerned member of the community, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stewart Wilber, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Philip Lefcourt, Pasadena, CA
I am totally OPPOSED to the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Brenda Lee, Lakewood, CA
As a California resident with family in the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a

new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maris Arnold, Berkeley, CA

EJS-9

YOU'RE ALL BONKERS TO EVEN CONSIDER ADDING MORE DANGEROUS POLLUTION TO OAKLAND. THERE'S A POINT WHERE COMMERCE ENDS & SAFETY & HEALTH MUST BECOME PRIMARY. THAT SHOULD BE YOUR STANDARD. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley Cofresi, Applegate, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Via

Elizabeth Taylor, San Clemente, CA

As a Bay Area native, I am writing to express my deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shannon Hanaway, Rohnert Park, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts

on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Akiko Tamano, San Diego, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Becker, Santa Barbara, CA
I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Lynda Caesara, Berkeley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We have to stop polluting somewhere. The health of West Oakland and San Francisco Bay is of the utmost importance.

EJS-10

Avi Shaprut, Carlsbad, CA
As a long-time California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the

Paola Accusani, Bishop, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaship s into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Christiana Hart, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marcia Edelen, Berkeley, CA
As a Berkeley resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. That proposed expansion could also harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative environmental impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Scott Douglas Laxier, Monterey, CA
Governing based on greed & deceit is unsustainable and immoral. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion

could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

cheryl kozanitas, San Mateo, CA
As a local resident of the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judy Johnson, Placerville, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. NO! NO MEGA SHIPS!

Frank Toriello, Montague, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Bay is already hampered by excessive water extraction for California's water projects that may have already extirpated the Delta Smelt which salmon depend on during their return migration. Further degradation of the Bay can only increase the negative impacts on biodiversity. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Phyllis Senter, Santa Rosa, CA

Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rosemary Graham-Gardner, Manhattan Beach, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rosemary Graham-Gardner, Manhattan Beach, CA
As a local resident, I am writing to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Nelson, San Rafael, CA
I am writing to oppose the plan to expand the Port of Oakland, which will increase air pollution in neighboring West Oakland. Please consider the impact of your plan on the lives and health of West Oakland residents, who are primarily people of color, and need to breathe clean air, just as we all do. They suffer disproportionately from high rates of asthma, which can be fatal to children and adolescents. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, negatively impacting the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and on the health and well-being of West Oakland residents. It is time to stop sacrificing our health and well-being to corporate profits made from selling us stuff that we don't need.

EJS-13

Henry Morgen, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Virginia Stewart Carton, Orinda, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. There is absolutely NO reason whatsoever that our community should be force-fed a plan of this nature for greedy financial reasons! Any project of this 'envergure' must be thoroughly planned and massively considerate of the people and natural environment it will effect...in this case 'victimize'!

EJS-14

John Knox, Chula Vista, CA
As a frequent visitor to the area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jamie Scott, Pasadena, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Elinor Mattern, San Francisco, CA
As a Bay Area native, a mother, and a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Lou Rosczyk, Murrieta, CA
Seventy percent of West Oakland's residents are people of color. This area is already too polluted with emissions from trucks, trains and ships. I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-15

Rich Moser, Santa Barbara, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Vasu Murti, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. The Democratic Party platform should support: Animal Rights, Defending the Affordable Care Act, Ending Citizens United, Ending Marijuana Prohibition, Giving Greater Visibility to Pro-Life Democrats, Gun Control, Net Neutrality, Raising the Minimum Wage to $15 an Hour, Responding to the Scientific Consensus on Global Warming, and a Sustainable Energy Policy. Democrats for Life of America, 10521 Judicial Drive, #200, Fairfax, VA 22030, (703) 424-6663

EJS-16

Sharon Morris, San Leandro, CA
As a local resident, I have continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those effects will reverberate through neighboring communities, negatively affecting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. In addition, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. It could have long-lasting effects on the ecosystem and the overall health of the Bay. I strongly request that you redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative effects of this proposed expansion on our region including the health and well-being of West Oakland residents.

Steven Collins, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening already egregious air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dwight Johnson, Orinda, CA
Inviting more megaships into Oakland will worsen air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Furthermore, the proposed expansion would damage life and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of Oakland residents.

Patricia Price, Davis, CA
As a California resident, I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our

region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to prepare and circulate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents, in particular.

Amanda Taylor, Los Angeles, CA
So many petitions, because apparently doing the right thing is complicated for decision makers. So here is another. DO THE RIGHT THING! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jen Rund, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers ALL impacts of the expansion - including the negative ones! - on our region and the health and well-being of West Oakland residents. As far as I can tell, a majority of Oakland residents do NOT want this expansion. Please, prove it will not harm the environment and residents before proceeding. Thank you.

EJS-17

Michael Lueras, Pacific Palisades, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

could harm the San Francisco Bay's endangered species and water quality. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Willow Running Hawk, Pleasanton, CA
I grew up in the Bay Area, and I am seriously concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. This plan will increase air pollution and truck exhaust in neighboring communities, seriously impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marcus Maloney, Sacramento, CA
As a local resident, I write with continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Janelle Milner, San Diego, CA
More pollution is just not acceptable! As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. More pollution is not acceptable! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. More pollution is just not acceptable!

Noah Armstrong, San Jose, CA
Please make sure not to increase the amount of toxic exhaust from ships in the San Francisco Bay Area. I already suffer enough from toxic exhaust. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by

James Michael 'Mike' Henderson, San Luis Obispo, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shira Sanghvi, Oakland, CA
In 2017, during my senior year of high school, I spoke at an Oakland city council meeting against the exportation of coal through the Port of Oakland. It's disheartening that six years later, local leadership still is considering the prioritization of finances over the health and safety of its citizens and ecosystem. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-19

Tanya Salof, Rosemead, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Poor and people of color live in polluted neighborhoods because big business gets away with it, change the narrative and do the right thing ! EJS-20

Andy Bunnell, Sebastopol, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate

through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Dods, San Rafael, CA
As a local resident, I am writing to express continuing furor about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental deleterious effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. As a bay swimmer, this is unacceptable.This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stacy Baar, Alameda, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. When is the well-being of the environment going to take precedence over corporate greed? NOW IS THE TIME!!

EJS-21

Kathleen Duffy, San Francisco, CA
As a local resident, who swims regularly in the bay I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Roseanne Costantino, Los Angeles, CA
As a local resident and friend to many living near there, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

James Jordan, Davis, CA
As a northern Californian, I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Virginia Morris, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. (This makes no sense; we need to keep the Bay free of pollution and the world on its way to ending the climate crisis.)

EJS-22

Rosann Lynch, Monterey, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing traffic. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. I urge you to redo the analysis and

recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Jesse Greenspan, Berkeley, CA
I'm a Berkeley resident writing in opposition to the Port of Oakland's current plan to widen the Turning Basins in the Oakland Harbor. West Oakland is already one of the most polluted places in the area, and this plan would only bring in more air pollution and further harm water quality. Please fully consider the environmental and health implications of a port expansion. Thanks very much for your time.

EJS-23

Theresa Bucher, Tarzana, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

George Hague, Moreno Valley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. JUST DO IT === PLEASE

Irina Irvine, Petaluma, CA
As a concerned ecologist and local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Doane, Watsonville, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Due diligence should not be optional on a project this impactful.

EJS-24

Rev. Allan B. Jones, Santa Rosa, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Deborah Colotti, Sebastopol, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. ******** I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. **********

Margo Krindel, San Francisco, CA
When I was a baby I lived in Oakland and a pediatrician found high levels of lead in me. My parents moved to San Francisco and a later test found that my lead levels went down. I almost certainly tested high for lead because of pollution in Oakland, and I will never know how that early exposure impacted my health. As a San Francisco resident, I am writing to express continuing concern about the Port of

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Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Richard St. Angelo, Cloverdale, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Denise Mauldin, Walnut Creek, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low- oncome communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Unless and until we are able to anticipate and adequately mitigate the air, water and ground polluting impacts of vastly increased megaship visits to the Bay, the turning basin widening project must not proceed! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-26

Nancy Henry, Santa Rosa, CA

Having grown up in Los Angeles smog in the 70s my lungs bear the detrimental results of exposure to air pollution. I have suffered from asthma and have been repeatedly hospitalized for respiratory issues. Quality air is a right for everyone and important to our society as a whole, to ensure people can grow up healthy and not become a burden on society due to pollution and ill-advised, or ill-planned commercial ventures. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively

EJS-27

impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Chris Eaton, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Helene Minniti, Canyon Country, CA
Planet and people before profits! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-28

Susan Blain, San Diego, CA
As a concerned citizen, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Going forward with this plan in a climate crisis can come to no good and would cause a lot of harm. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. EJS-29

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mark Feldman, Santa Rosa, CA
As a local resident, I am writing to EXPRESS CONTINUING CONCERN ABOUT THE PORT OF OAKLAND'S PLAN TO WIDEN THE Turning Basins in the Oakland Harbor. Inviting MORE MEGASHIPS INTO OAKLAND Oakland WILL HAVEA DETRIMENTAL EFFECT on our region BY WORSENING AIR POLLTION AMD OMCREASOMG TRUCK TRAFIC. and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Curtis Marantz, Riverside, CA
I write to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Eliza Briggs, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Accordingly, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Wendi Raw, San Francisco, CA
Today is a yellow air day. For no other reason than the pollution, we generate ourselves here in the bay area. My asthma is flaring, everyone is talking about feeling bad, and you want to bring more pollution to our lives. As a local resident, I am deeply concerned about the Port of Oakland's plan to

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Ferroggiaro, Santa Rosa, CA

I am writing on behalf of our 12 family voters and three children who are local residents, to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. We all urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Arlene Hansen, Novato, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. We're trying to DECREASE AIR & WATER POLLUTION. This "plan" is far from that! Please, terminate your plan & create non polluting plans! Thank you! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Chris Rose, Petaluma, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. but y'all do as you've always done and screw the poor. Stop murdering us. This shit is criminal & poison to us. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-32

Tim Laidman, El Cerrito, CA

As a longtime, local resident, I am writing to express my extreme and continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. I am personally already burdened by health effects probably from pollution. I have two types of cancer and had a heart attack two years ago in spite of having a vegan diet, playing soccer three times a week and having no family history of disease. Please consider he cumulative health effects of multiple sources of pollution from the port, shipping, major freeways, toxic dumps, heavy industries and refineries and see that port expansion is another step too far for the health of the Bay Area. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion and pre-existing pollution sources on our region and the health and well-being of West Oakland residents. EJS-33

Sherman Lewis, Hayward, CA

I oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor for more megaships. It will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mark Bartleman, Laguna Beach, CA

I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland would appear to have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. This action would disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. And the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to revisit the analysis and recirculate

communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Something that large should never have been built? Oakland is' up and coming', there are more industries to consider than simply the military. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-34

Holly Buchanan, Rancho Cucamonga, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic! Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents! In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay!!. This could have long-lasting impacts on the ecosystem and the overall health of the Bay!! I urge you to REDO the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents!!

Lisa Carey, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Let's take care of the children and living beings, before going for the dollars!! People over profits!! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. EJS-35

Sheila Tarbet, El Cerrito, CA
I'm a local resident and a former public health program planner. I am writing to express my serious concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. We know this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. See CalEnviroScreen data. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

detrimental effect on this region by worsening air pollution and increasing truck traffic. This plan is truly unacceptable. Those impacts will reverberate throughout the neighboring communities, negatively impacting the health and well-being of residents, human and nonhuman (who should count, too, as this planet is all living beings' only home). In particular, this action will, of course and as always, disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I most strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Bruce Coston, Sunnyvale, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Stop the insanity , and use Marcus Schulze CSSD. 2x Condorcet Voting to comply with the Universal Declaration of Human Rights part 21.3 . Increase the social safety net with minimum income . EJS-36

Carol Kinser, Elk Grove, CA
As a local California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

James Barkovich, Mill Valley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Catherine Nichols, Concord, CA

As a Bay Area resident , with grandchildren born in W Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Charlotte Sach, Del Mar, CA

My name is Charlotte Sach, I am 16 years old, and I am concerned about air pollution. For one, air pollutions causes millions of deaths worldwide per year. Secondly, the planet can't afford any more greenhouse gases in the atmosphere if we want climate change to remain below 1.5°. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Richard Lentz, Fair Oaks, CA

As a frequent visitor to the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

JERI LANGHAM, Sacramento, CA
AS A PROFESSOR EMERITUS OF BIOLOGICAL SCIENCES AFTER 38 YEARS OF TEACHING PRINCIPLES OF ECOLOGY AT CALIFORNIA STATE UNIVERSITY AND 37 YEARS OF LEADING TRIPS FOR VICTOR EMANUEL NATURE TOURS, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Michael Stolte, Upland, CA
As a Californian who values environmental justice for marginalized communities, I am writing to express urgent concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on that region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Gary Dismukes, San Diego, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marilyn Guida, Grass Valley, CA
I've been to Oakland many times and I'm appalled at the plan to widen the turning basin and increase megaships in the Oakland Harbor. We can't ignore the residents. The health impacts are huge and many residents already can't afford health care. The only protection from the worsening air quality

EJS-38

will be moving out of the area, which people can't afford. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tina Arnold, Rio Vista, CA

As a local resident, I am writing to express strong opposition to Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Of course, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Denise Vanzago, Burbank, CA

As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. No one should have to shoulder the economic burdens of port expansion. No one!

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Katrina Matos, Santa Rosa, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental degradation. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick McKee, Mercer Island, WA
As the grandfather of an Oakland kid, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stephan Kuttner, Berkeley, CA
Shipping creates massive amounts of pollution which has contributed much to our climate crisis. Local ports must pressure shipping concerns to use cleaner energy now! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Jack Fleck, Oakland, CA
As an Oakland resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The dredging and expansion of megaships should be coupled with electrification of all drayage trucks and electric hookups of all ships in the Port of Oakland. If these are accomplished, then the environmental impacts of the dredging also need to be mitigated before approval of the project. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Steve O'Neil, Cupertino, CA

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please pause, consider the human impact, and redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Llewellyn, Walnut Creek, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jay Atkinson and Ariel Summerlin, El Sobrante, CA
As East Bay residents, we oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

bonnie Kohleriter, Alamo, CA
We have been fighting pollution issues in this area of Oakland for years with the trucks and ships. More ship need to be seriously considered in view of the harm to the citizens living in that area. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Leah Halper, Santa Rosa, CA
As a Bay area resident, I know pollution knows no bounds. So I am writing to express continuing

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Lee, Saratoga, CA
I'm writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in Oakland Harbor. More mega-ships will have a detrimental effect by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively affecting the health and well-being of residents. This action will disproportionately affect low-income communities and communities of color that are already burdened by environmental injustice. And the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion.

Menghan Zhu, Los Angeles, CA
As a concerned resident of the local community, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley McGrath, Walnut Creek, CA
I am very concerned about the health of San Francisco Bay! Please restrict polluting boats and barges and trucks! I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

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Maeve Murphy, Corte Madera, CA
As a Bay Area resident and sailor who grew up in Alameda, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened

by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We must protect our precious Bay environment from excessive pollution levels for wildlife and all residents, especially low-income communities. Thank you.

Joanne Hedge, Glendale, CA
As a former Bay Area local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Therefore, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents!

Dehra Iverson, Costa Mesa, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on this region and the health and well-being of West Oakland residents.

Robert Lowe, El Sobrante, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic, with significant deleterious consequences for the health and well-being of neighboring communities especially. In particular, this contemplated action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. There are no commercial benefits that could outweigh the obviously negative environmental consequences of widening the Turning Basins. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rachel Loui, Mountain View, CA
As a local resident and East Bay native, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Katherine Roberts, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I was told to edit this but I can't find a single thing to add — it seems perfect as it is. So please take our objections seriously. We honestly shouldn't even have to be pointing them out.

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Mary Hicklin, Lakeside, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Susan Worden, Rio Vista, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I urge you to thoroughly onside the negative impacts of this project. We need to respect the life of the earth, the ecosystem of the bay, the nearby residents and animal disturbances. Who wants more truck traffic, and air and water pollution? We don't!

EJS-46

Richard Youatt, Los Altos, CA
As a Bay area resident, I write to express deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Deborah Svoboda, Emeryville, CA
As a local resident, and boat owner, recreating on the bay. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Timothy Quinn, Davis, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the

communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Port must redo and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on Bay ecosystems, the health and well-being of east Bay residents, particularly those in West Oakland, and the global climate.

Pamela Mcdonald, Riverside, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I AM NOT A LOCAL RESIDENT, BUT A CONCERNED CALIFORNIA RESIDENT. WE LIVE IN ONE OF THE MOST DIVERSE, BEAUTIFUL, AND SUCCESSFUL STATES IN AMERICA. I'M RESPONDING WITH CONCERN TO MAINTAIN THOSE ATTRIBUTES. IT'S IMPERATIVE FOR THE FUTURE OF OUR STATE, OUR ECONOMY, AND THE LIVES OF BAY-AREA RESIDENTS. OAKLAND IS SITUATED IN ONE OF THE MOST IMPORTANT AREAS IN OUR STATE. ALTERING THE NATURAL BAY TO ALLOW LARGER SHIPS WOULD INCREASE REVENUE, BUT IT'S IMPERATIVE TO CONSIDER THE POTENTIAL HARM IT WILL LIKELY BRING WITH IT - AIR AND SEA POLLUTION HAS THE POTENTIAL TO NEGATE ANY REVENUE INCREASE, AND HEAVILY-TRAFFICED WATERFRONT WILL DEFINITELY HAVE A NEGATIVE EFFECT ON THE BAY, AS A PREVIOUS VISITOR, PERHAPS YOU SHOULD DIRECT YOUR EFFORTS TO IMPROVE YOUR 'CITY' FIRST. IT DESPERATELY NEEDS IT! EJS-47

Alexander Obersht, San Francisco, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tony Mauro, Berkeley, CA

As a local resident, I am writing to express my continuing concern about the Port of Oakland's plan to widen the turning basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I do not live full time in Oakland, but have many friends who do, and I visit frequently. Please do not allow widening of turning basins in the Oakland Harbor to endanger the health of Oakland and its environs. Sincerely, Nancy W. Nelson EJS-48

c s, San Diego, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Absolutely NO megaships!!

Elizabeth Edinger, North Hollywood, CA
I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will worsen air pollution and increase truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

regula hess, Dixon, CA
En tant que résident local, je vous écris pour vous faire part de mon inquiétude constante concernant le projet du port d'Oakland d'élargir les bassins de retournement dans le port d'Oakland. Inviter plus de méganavires à Oakland aura un effet néfaste sur notre région en aggravant la pollution de l'air et en augmentant le trafic de camions. Ces impacts se répercuteront sur les communautés voisines, ce qui aura un impact négatif sur la santé et le bien-être des résidents. En particulier, cette action affectera de manière disproportionnée les communautés à faible revenu et les communautés de couleur de West Oakland qui sont déjà accablées par l'injustice environnementale. De plus, l'expansion proposée pourrait nuire aux espèces en voie de disparition et à la qualité de l'eau dans la baie de San Francisco. Cela pourrait avoir des répercussions à long terme sur l'écosystème et la santé

Hassan Abdul-Wahid, Los Angeles, CA
As a human who cares, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Davena Gentry, East Palo Alto, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. How will we ever mitigate climate change if we have more polluting ships?! ??

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Cynthia Whitman, Sonoma, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

michael sullivan, Albany, CA
As a local resident, I am writing to strongly express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Felix O, Oakland, CA

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Let's do whatever we can to make it more difficult to pollute. If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tamara Haw, Oakland, CA

As a long-time Oakland resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dorrit Ragosine, Los Angeles, CA

As a former local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Karen Jacques, Sacramento, CA

As a California resident who frequently visits Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and

Judith Kirk, Redwood City, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. PLEASE, you MUST redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. How can you push all the terrible effects of enlarging this port on the people of Oakland and bring so much pollution to the Bay Area????

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Lana Touchstone, Vallejo, CA
After four years of living in Houston I developed asthma. Now as a local resident, I am very concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick Chandler, Santa Ana, CA
People who criticize ships coming into port must not care about receiving goods. If they are concerned about the air quality they can move somewhere else.

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Joel Isaacson, Berkeley, CA
I am a local resident, and I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. More megaships? That's all we need. More air pollution and increasing truck traffic? Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sheryl Iversen, Murrieta, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate

through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

John Zimmermann, Long Beach, CA
As a resident of California, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maija Schaefer, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for considering my comments.

Marie J Salerno, Greenbrae, CA
Is it really always just about money? The bay is an important ecosystem to many areas of the west coast not to mention the fish and others in the sea. We pay your salaries and this is not where I want my money to be going. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

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that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Plantamura, San Diego, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Garth Saalfield, Fort Bragg, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I grew up and I'm intimately familiar with that area and wish it not to be destroyed by additional Super Tankers and Mega Structures! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your consideration!

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Shoshana Dembitz, Berkeley, CA
As an asthmatic local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley Shelangoski, Pleasant Hill, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts

Elizabeth Menkin, San Jose, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Kuelper, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. As a resident of Oakland I want to see this analysis redone. I attended a zoom meeting about this issue. It was apparent to me that there had been little to no engagement with West Oakland residents in a meaningful way. Concerns about the increased pollution and truck traffic were dismissed. Time to do better!

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Dan Stone, Carmichael, CA
I write to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this already burdened region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland — residents who are already suffering the effects of environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that honestly and fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. Thank you.

Deborah Kistler, Lemon Grove, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In

particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on this region and the health and well-being of West Oakland residents.

Julie Neidich, Ladera Ranch, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Gloria and Jim Purcell, Belmont, CA
As local residents, we are writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion are certain in our opinion to harm endangered species and water quality in the San Francisco Bay. This would have long-lasting impacts on the ecosystem and the overall health of the Bay. We remind you that we are currently well into the Sixth Extinction! We are also seeing all waterways under threat of incredible amounts of plastic and other pollution. We urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers all of the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland and all Bayside residents. Most of all, we strongly believe that the vast and powerful changes in the overall climate and environment, including all of the above and ocean acidification and warming and more, are vital factors against building huge new projects that enlarge the human footprint. From our personal viewpoint, living on the Peninsula for 80 years, the water, air and land damages we have seen over decades have been damaging beyond words to every ecological sector and to local humans as well. Please reconsider the DEIR from a fuller realization of all of the negative impacts, especially cumulative, on all of us.

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Deb Cohen, Alameda, CA
As a local resident, I am writing to express my anger, frustration, and alarm about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action wil bring significant sources of new air

pollution to a federally designated nonattainment area and should be subject to heightened standards of environmental review. To discount these impacts and to do a flimsy or significant preparatory lawsuit now is to invite lawsuits later. Not only that, it will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of residents of Alameda County and that proposes actionable steps to mitigate these harms, as you required to do under federal and state law. An ounce of precaution/mitigation and an intellectually honest EIR process right now is much cheapter morally, legally, and financially than a headline-grabbing class action lawsuit later by lawyer moms like me who are concerned about your lack of concern for the health of our children.. Sincerely, Deborah A. Teitler, J.D.

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Gloria Choi, Union City, CA
I'm a local East Bay resident writing to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, impacting the health and well-being of residents. Our low-income communities and communities of color are already burdened by environmental injustice, and this action will continue to perpetuate these harms. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marci Yellin, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Ciara Preston, Caldwell, ID
As a former resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the Bay Area and the health and well-being of West Oakland residents.

Nicolas Riani, Oakland, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. West Oakland residents who have already been dealing with pollution for years do not deserve additional pollution, impacting their health.

EJS-58

Jackie Feazell, Oakland, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Look what happened in Venice when they dredged to allow huge ships in. Think deeply about what you want to do. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judy Schultz, San Francisco, CA

As a nurse and a San Francisco resident who walks along the Bay every day, I implore you to not widen the Turning Basins in the Oakland Harbor. We need to stop prioritizing money over human health, wildlife, and their habitat. Having more megaships in Oakland's harbor will worsen air pollution in an already polluted area by increasing ship pollution and pollution for the additional truck traffic to carry goods from the port. As you know, this pollution will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. The type of expansion proposed will disrupt endangered species and adversely affect water quality in the San Francisco Bay. We have lost so much wildlife and habitat in the last fifty years that we simply cannot afford to continue to degrade places like the Bay and lose more habitat and wildlife. I implore you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-59

EJS-60

Linda Penrose, Rancho Palos Verdes, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for reading and your serious consideration to this message.

Kate Lenhardt, Alameda, CA
As a person of faith and a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Margaret Lyons, Palos Verdes Estates, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. As a resident of the area near the Los Angeles and Long Beach harbors, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. We Californians who are affected by the pollution that accompanies a harbor for large ships hope you will spare West Oakland any more of what we already have here in Southern California.

EJS-61

JUDITH STANTON, Dana Point, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the

have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting, deleterious and hard-to recover-from impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maria Reyes, San Jose, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We have enough air, land and noise pollution in our area. We need to have relief for the families who are living under these negative conditions. People over money. Maria Reyes - Casual Community

EJS-62

Suteibun Rin, Placentia, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jeannette Farley, Emeryville, CA

As a West Oakland resident I have to say: Really? We've had huge resistance to the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by significantly worsening (currently unholy) air pollution and increasing truck traffic on already crowded Interstates 80/580/880 Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. As usual, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kyra Rice, Oakland, CA
As a local resident, I am writing to express extreme concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland living near the ports that are already burdened by environmental injustice. The proposed expansion will inevitable harm endangered species and water quality in the San Francisco Bay. This WILL have long-lasting impacts on the ecosystem and the overall health of the Bay - whatever wildlife that still remains and the humans. We demand you redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jennifer Russell, Walnut Creek, CA
I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Allowing huge ships will have a very negative effect on the Bay Area by worsening air pollution, increasing truck traffic and causing low-income communities to be disproportionately affected. That's environmental injustice.! The proposed expansion could also harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick Carr, Arcata, CA
As a Northern California resident who regularly travels to the East Bay, I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the Bay Area by worsening air pollution and increasing truck traffic. I already find traffic on 580 to be dreadful. That's a concern for me, but for local residents, even greater impacts will reverberate through neighboring communities, affecting the health of residents. Enlarging the Turning Basins will disproportionately affect low-income communities in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, already reeling from past development.. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the impacts of this proposed expansion on the health of West Oakland residents and on the environment of the Bay and its ecosystem..

Leslie Friedman, Mountain View, CA
As a local resident, I am writing to express serious concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. This change will have severely negative impacts on the SF Bay. It will expose residents to more pollution which will certainly cause diseases and shortened life expectancy. There is absolutely no justification for this

outrageous project. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Army Corps of Engineers submitted a flawed environmental report. It is unacceptable to move forward on such a destructive project with a flawed report as its support. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-64

Lena Nilsson, Laguna Beach, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Linus O, Oakland, CA

If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. Let's do whatever we can to make that less likely. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

EJS-65

Dennis O, Oakland, CA

It is a moral imperative to do whatever we can to make it more difficult to pollute. If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West

EJS-66

Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mical Woldemichael, San Francisco, CA
As a young person of color with a family history of asthma, I am concerned over the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Bardoff, San Leandro, CA
We don't need any more over-sized, polluting ships coming into the Bay Area. I oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. I am particularly concerned a bout the health impacts on low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Deterioration of water quality and other affects on the ecosystem of San Francisco Bay are also problematic. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Margaret Mulligan, Berkeley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Please consider the needs of the West Oakland community and pay attention to what they need and deserve for a better life. Sincerely, Margaret Mulligan

EJS-67

romani b, Glendora, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a

December 18, 2023

Port of Oakland
530 Water St.
Oakland, CA 94607
Attn: Ms. Khamly Chuop
Environmental Programs and Planning Division
Delivered via email to: turningbasins@portoakland.com

Re: Draft Environmental Impact Report (DEIR) Oakland Harbor Turning Basins Widening Project

On behalf of the undersigned organizations, we respectfully offer these comments on the Draft Environmental Impact Report (DEIR) for the Oakland Harbor Turning Basins Widening Project.

The Turning Basins widening project will significantly enhance navigational safety and reduce the risk of maritime casualties, increase supply chain efficiency, enhance economic competitiveness, sustain growth at marine terminals within their existing infrastructure thresholds, and continuously improve the environment by reducing emissions – both total emissions and the rate of growth of emissions per container – from and reduce GHG emissions by avoiding cargo diversion. MIC-1

The existing channel and turning basins were designed for Panamax-era container vessels, which were state-of-the-art 25 years ago and have a carrying capacity of roughly 1/3 the capacity of today's ultra-large container vessels. While larger ships have been able to be accommodated, these vessels are not operating at maximum efficiency and have little to no margin for error upon their approach or departure within the turning basin. These current limitations on the Port of Oakland stem directly from MIC-2

the size and dimensions of the current turning basins, not from the balance of the channels, which continue to be maintained at the depths authorized by the -50 Foot Project. MIC-2

Significant Impacts and Mitigation Measures

In our estimation, the DEIR adequately considers all of the potentially significant impacts and mitigation measures related to this project.

The DEIR considers and evaluates the environmental benefits of lowering emissions per ton and emissions per container, which are endemic to the usage of larger and more efficient vessels. Larger vessels are also the newest vessels which are more likely to have newer tier engines, alternative-fueled engines, and overall lower environmental impacts. And, most importantly, the use of larger vessels requires that fewer vessels will be required to call upon Oakland in order to move cargo, and this tautology is applicable no matter which cargo volumes are forecast or used as a baseline for the CEQA analysis. MIC-3

The DEIR properly notes that the project objectives include enhancement of the safety of the Port's navigational access channels and competitiveness of the Port of Oakland. Maintaining competitiveness for import and export cargoes is imperative for the Port's future, otherwise, it cannot grow its revenues, which in turn support and maintains its commitment to an environmental improvement program which requires accelerated investments in non-revenue infrastructure and equipment. In short, if the Port of Oakland can no longer physically accommodate the largest vessels plying the Pacific trade lanes, it will suffer from less access to vessel traffic and a significant limitation on the Port's ability to maintain both its current volumes and current revenues, which will in turn starve its ability to fund its laudable but aggressive environmental commitments and goals, including those Zero Emissions goals included in its "2020 and Beyond" planning efforts. MIC-4

The DEIR also considers and acknowledges that vessel movements and subsequent container movements are separate and distinct from one another. The latter in the case of the movement of containers facilitated by the expansion of the turning basin, which is limited by marine terminal capacity and throughput parameters. To the extent that the movement of containers off of a vessel and then through the Port ecosystem and infrastructure is facilitated, it is facilitated by a marine terminal. These activities are already accounted for under CEQA under the environmental clearances adopted by the Port of Oakland at the time of the approval – and subsequent construction and lease-up – of a marine terminal development project. MIC-5

CEQA does not require other tangential projects (in this case, the turning basin expansion) to re-mitigate again the impacts already accounted for in another project. Thus, the DEIR does not need to re-evaluate the potential impacts that result from marine terminal operations at the Port because the marine terminals have already been environmentally cleared for providing this service, and the volumes to be handled at those facilities are already accounted for within those approvals.

Moreover, we agree with the DEIR finding that this project will benefit from the utilization of electric dredges in order to reduce the potential cumulative impacts of additional diesel particulate matter on the surrounding community. As you may be aware, every component of the intermodal supply chain at California ports has been successfully employing aggressive measures for many years to significantly MIC-6

reduce the emissions of diesel toxics. As a result of these efforts, this project is actually occurring in the context of improved air quality in the communities and regions surrounding our freight hubs. These are the result of significant investments and remarkable progress made by ocean-going vessels and marine terminal operators. We welcome the project joining in these efforts and agree with the DEIR that the additional emissions associated with the turning basin expansions are truly "minor" and fully mitigated by the use of the electric dredging equipment.

MIC-6

Environmentally Superior Alternative

With respect to air quality and to water quality risks as the result of a potential vessel allision or lack of removal of soil contaminants, we respectfully suggest that the project as proposed is the environmentally superior alternative. Because the environmental benefits of the project outweigh the environmental impacts of not proceeding with this project, the DEIR cannot conclude that the "No Project Alternative" is environmentally superior.

As noted in the DEIR, the "No Project Alternative" would result in up to a 13% increase in lifetime operational air emissions – because, without the turning basin expansion project, more vessel traffic will be required in order to accommodate the same cargo volume, and at higher emissions rates per TEU for smaller ships than they are for larger ships. These lifetime and ongoing emissions benefits are more substantial and likely dwarf any one-time impacts from construction, especially given the usage of the electric dredge as a mitigation measure. And as further noted by the DEIR, the "No Project Alternative" also is less beneficial because it is without any of the benefits of potential removal of contaminated soils. We would also note that the DEIR analysis of the "No Project Alternative" does not attempt to quantify the environmental costs of not addressing the safety issues of the current turning basin and does not quantify the benefit of eliminating safety risks associated with the project. These alone, if one considers the potential ecological and economic costs of an oil spill or other outcome of an accidental allision by an ocean-going vessel, would compel the project to be viewed Environmentally Superior to the "No Project Alternative."

MIC-7

In sum, the DEIR for the Turning Basins Expansion project describes the project as one that will facilitate safety, accessibility, and improvements in environmental quality. These include the benefits to air quality which will result from reductions in emissions per unit of cargo by allowing for the newest and most advanced vessels to call on the Port of Oakland.

MIC-8

Thank you for affording the public the opportunity to comment on this important DEIR and to support this project which will improve the safety, economic vitality, and environmental footprint of vessel operations through the expansions of the Inner Harbor and Outer Harbor turning basins.

Sincerely,

Oakland Maritime, Access, Sustainability, and Trade Coalition
Customs Brokers and Forwarders Association of Northern California
Dreisbach Enterprises
GSC Logistics
ILWU Local 10
Marine Engineers' Beneficial Association

Marine Firemen's Union
Pacific Maritime Shipping Association
Propeller Club of Northern California
San Francisco Bar Pilots
SSA Marine

PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

December 15, 2023

Ms. Khamly Chuop
Environmental Programs and Planning Division
Port of Oakland
530 Water St.
Oakland, CA 94607
Submitted to: turningbasins@portoakland.com

Re: Oakland Harbor Turning Basins Widening Project --
Draft Environmental Impact Report (DEIR)

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), we respectfully offer these comments on the Draft Environmental Impact Report (DEIR) for the Oakland Harbor Turning Basins Widening Project. We generally find the DEIR to be more than sufficient for the purposes of CEQA; the DEIR adequately considers all possible environmental impacts, identifies and analyzes factors of significance and mitigates all impacts to the extent that such mitigation is feasible and reasonable.

PMSA represents ocean carriers, marine terminal operators, and various other maritime interests which conduct business on the U.S. West Coast, including at the Port of Oakland. All of the Port of Oakland's current Marine Terminal Operator tenants, as well as the overwhelming majority of the ocean carriers calling at these terminals, are members of and represented by PMSA. As an association, PMSA is headquartered in Oakland and proud to call the Port of Oakland our home.

The Turning Basin widening project will significantly enhance navigational safety and reduce the risk of maritime casualties, increase efficiency, promote economic growth within existing infrastructure thresholds, will improve the environment by reducing actual emissions and the rate of growth of emissions per container, and reduce GHG emissions by avoiding cargo diversion.

PMSA-1

The existing channel and turning basins were designed for panamax-era container vessels which were state of the art 25 years ago – and which have a carrying capacity roughly 1/3 the capacity of today's ultra-large container vessels. While larger ships have been able to be accommodated, these vessels are not operating at maximum efficiency and have little to no margin for error upon their approach or departure within the turning basin. These current limitations on the Port of Oakland stem directly from the size and dimensions of the current turning basins, not from the balance of the channels which continue to be maintained at the depths authorized by the -50 Foot Project.

PMSA-2

PMSA has reviewed the Draft EIR for the Project and offers these substantive comments with respect to the environmental impacts subject to analysis in this process. These comments are supplemental to PMSA's multiple letters to the US Army Corps of Engineers regarding the IFR/EA on its Navigation Study and to the Port of Oakland regarding the NOP of this DEIR. PMSA is also signatory to a coalition letter submitted on this DEIR. All of these comments are hereby incorporated by reference.

PMSA-3

Final EIR Evaluation of Greenhouse Gasses May Wish to Additionally Consider the Positive Reductions of GHG Associated With Maintaining West Coast Competitiveness for Cargo

While we agree generally with the methodology and assessments of the air quality impacts, including regarding greenhouse gasses (GHGs), employed in the DEIR, and find them adequate for all purposes of CEQA, we would suggest that the Final EIR address the additional positive GHG-related benefits of this project related to maintaining Oakland's competitiveness for traffic by larger vessels.

Please find attached to this comment letter the August 2023 study prepared for PMSA by Starcrest Consulting Group entitled "Greenhouse Gas Route Comparison Study" ("GHG Study").

The GHG Study emphasizes that ships are the most environmentally-friendly means of moving cargo as they have the smallest GHG footprint of any transportation mode. Because California, and West Coast in general, maintains the closest proximity to Asia, it is the natural primary destination for waterborne import cargo. In its evaluation of the air quality benefits of this natural cargo flow, the GHG Study concluded that discretionary cargo that came to California ports maintained the lowest carbon footprint per TEU for cargo originating from Asia. This results in natural GHG emissions benefits when compared to cargo diverted to the ports of Houston, Savannah, or New York/New Jersey. On average, the study found that GHG emissions are 19% higher when cargo bypasses the US West Coast for East Coast or Gulf Coast ports. In one example, when cargo from Asia bypasses the Ports of LA and Long Beach for the Port of New York/New Jersey emissions can increase by as much as 92%. PMSA-4

To the extent that the Turning Basins Expansion Projects can continue to make Oakland a competitive place to do business, maintain and grow existing cargoes within its existing navigational and terminal footprints, and prevent cargo from shifting further to alternative gateways than it already has, then the Draft EIR should acknowledge that this will result in significant benefits for GHG emissions.

This benefit should also be acknowledged in the DEIR by scoring GHG's higher under the No Project Alternative. If this project is not completed and that results in cargo bypassing the Port of Oakland and in favor of Atlantic and Gulf Coast ports, then that would on average increase GHG emissions by 19%.

Final EIR Evaluation of Localized Environmental Impacts and Greenhouse Gasses May Wish to Additionally Consider the Positive Benefits of the Operation of Larger, More Fuel-Efficient Vessels

As noted in other comments submitted, the DEIR considers and evaluates the environmental benefits of lowering emissions per ton and emissions per container which are endemic to the usage of larger and more efficient vessels. Larger vessels are also the newest vessels which are more likely to have newer tier engines, alternative-fueled engines, and overall lower environmental impacts. PMSA-5

And, most importantly, the usage of larger vessels to move any demanded volume of cargo requires that fewer vessels to call upon Oakland than the usage of smaller ships to move the same volume of cargo, which would result in more vessel calls at the Port of Oakland. This is a tautology applicable to the analysis of the DEIR no matter which cargo volumes are forecast or used as a baseline for CEQA purposes. Thus, larger vessels provide both per call (micro) and overall total call (macro) benefits.

Some of the public comments expressed during the extensive Port DEIR and Army Corps EA processes start with the presumption that larger vessels produce larger negative emissions impacts overall. This criticism is rooted in surmises and presumptions about overall "induced growth," but to the best of our knowledge none of these project critics have clearly enunciated why, how, or to what degree they attribute the marginal growth of the size of a turning basin to the throughput volume and the related impacts of such volumes. Nor have these critics attempted to balance the many environmental benefits of the utilization of larger vessels with any of their perceived (albeit, also wrongly) harms or impacts.

PMSA-5

In contrast to the lack of any critical analysis of potential large vessel impacts by project opponents, the DEIR analysis is squarely consistent with the most contemporaneous review of a similar question recently commissioned by the World Shipping Council for presentation to the European Commission.

Please find attached to this comment letter the July 2023 study prepared by RBB Economics entitled "The Impact of the CBER on Supply Chain Emissions; An evidence-based assessment of developments since 2008." ("CBER Study")

As the CBER Study itself summarizes (at ¶¶ 2, 3, 4, 8)

> "2. WSC considers that, by facilitating the formation of shipping consortia, the CBER has helped reduce greenhouse gas emissions in the liner shipping industry, and its broader supply chain. This is largely because consortia enable their members to operate appropriately-sized – often larger, more fuel-efficient vessels. Indeed, the European Commission ("EC") expressly identified this effect in its last evaluation of the CBER, stating that for technological reasons the use of larger vessels by consortia/alliances gives rise to, inter alia, environmental benefits.
>
> 3. However, we understand that some stakeholders have challenged the notion that the CBER has had a positive has had a positive impact on emissions overall. This theory, as we understand it, asserts that, while the CBER has led to reduced emissions in respect of deep-sea liner services, this may have been offset by increased emissions elsewhere in the supply chain.
>
> 4. It is contended that this offsetting effect also arises as a consequence of the CBER, because the formation of consortia and the use of larger vessels may result in a consolidation of cargoes across fewer routes meaning that loaded/discharged cargoes then have further to travel from their point of unloading before reaching their eventual destination and that such "hub" ports are subjected to increased levels of congestion.
> …
>
> 8. In short therefore, the available evidence does not support, and is in many cases directly at odds with, the concern that the CBER has led to increased emissions from modes of transport other than deep-sea shipping. As such, the only demonstrable effect of the CBER on emissions remains a positive one, as has been acknowledged by the EC and as is supported by the available data."

PMSA-6

Similarly, while there are many theoretical concerns raised that there might be offsetting negative impacts from other modes of intermodal transportation, here these are remote and unsupported by any evidence other than lay opinion and non-expert public comment. The most recent review of this potential argument, at least in the EU, leads one to the opposite conclusion.

Lest one draw the conclusion that this study is not domestic and therefore not applicable to this evaluation, the overall improvement in vessel emissions at our seaports is not limited to the European Union but is readily apparent in California seaport operations in Oakland and its sister ports in Long Beach and Los Angeles.

PMSA-6

The latest Port of Oakland Emissions Inventory which was completed in 2020, (accessed at: https://www.portofoakland.com/files/PDF/Port%20Oakland%202020%20Emissions%20Inventory%20Final%20Report.pdf), shows that since 2005, ocean-going vessel emissions have been reduced by 95% for SOx, 87% for diesel particulate matter, 21% for NOx, and 20% for greenhouse gasses. See Tables ES-2a and ES-3. The most recent Emissions Inventory available for the Port of Los Angeles, completed in 2023 evaluating 2022 emissions levels, shows similar improvements in vessel air quality: reductions of 90% DPM, 97% SOx, and 35% NOx when compared to the 2005 baseline.

PMSA-7

Final EIR Evaluation in Response to Claims of "Induced Growth" May Wish to Additionally Consider the Context of Existing Environmental Clearances for Port of Oakland Marine Terminal Operations

As the Port is well aware, CEQA does not require lead agencies to chase down any possible theoretical impact that a member of the public can imagine or provide as conjecture. Rather, CEQA requires an evaluation of the project such that the project definition itself includes any action which has the potential for resulting in either direct physical change or a reasonably foreseeable indirect physical change in the environment that results from the action. See CEQA Guidelines, §15378.

The ample and overwhelming evidence in the DEIR confirms that the environmental impacts on balance as a result of this project are positive, and not negative, and that the introduction of newer, larger vessels in-and-of-itself is an environmental benefit. We have seen no evidence in any workshops to the contrary other than non-expert testimony and speculation that does not establish the basis for a finding of a reasonably foreseeable indirect physical change in the environment.

Importantly, the DEIR clearly treats the vessel operations which will be impacted directly and indirectly from the turning basin project distinct and apart from speculation as to the marketplace impacts that might result in subsequent cargo flows and container volumes. The DEIR does so because vessel movement, safety tolerances, berth clearances, turning capacity, and pilotage restrictions are separate and distinct from the economics of whether or not cargo is moving through the Port of Oakland. When an importer of toys for a department store makes a decision about purchasing a shipment from Korea, whether a Fresno grower can close a sale on a batch of shelled almonds in India, or whether a customer on Amazon clicks on the delivery of a new set of kitchenware, none of these activities are derivative of the question at issue here: the expansion in the width of the turning basin in which an ocean-going vessel turns.

PMSA-8

Of course, one can theoretically connect the dots of every commercial transaction that involves an import or an export to the international supply chain. That is axiomatic and true for every project at every seaport, every railyard, and every truck stop – but that does not mean that every project needs to mitigate every aspect of every transaction in the entire supply chain. Rather, it is appropriate to segment the evaluation of the movement of intermodal containers which are facilitated by a specific facility to the modes which are in operation at that location. Thus, the expansion of the turning basin evaluates the impacts, both direct and foreseeably indirect, which are connected to the turning of ocean-going vessels.

PMSA-8

To the extent that project critics want to evaluate the impact of the movement of containers on and off of a vessel and then the passage of those containers through the Port ecosystem and infrastructure, those are functions which are facilitated by a marine terminal, not a turning basin.
Fortunately, these activities are already well-accounted for under CEQA as the environmental clearances adopted by the Port of Oakland at the time of the project approvals of a marine terminal development project and other subsequent projects related to marine terminals. And CEQA neither requires one project to re-address or re-mitigate again the impacts already accounted for in another project nor does CEQA require a lead agency to speculate as to what other future tangential or subsequent projects without nexus to the turning basin may exist in the future.

Thus, the DEIR does not need to re-evaluate the potential impacts that will result from marine terminal operations at the Port whereby vessels are serviced, because the marine terminals have already been environmentally cleared for providing this service and the volumes to be handled at those facilities are already accounted for within those approvals.

The Final EIR may wish to directly address the question of such potential cargo operations by presenting facts, charts, or graphs that demonstrates that navigational channel restrictions on depth and width are not directly or indirectly correlated with the number of vessel calls, the environmental clearances or projected volumes of marine terminal operations in marine terminals, or emissions.

PMSA-9

Certainly, to the extent that DEIR criticism is based on a presumption that the potential for future container volumes should be correlated with future emissions or other environmental impacts these claims cannot reasonably taken at face value. The most important pollutant to track for purposes of community and public health impact is diesel particulate matter emissions. At Oakland, DPM has been reduced by ocean-going vessels at the Port of Oakland by nearly 90% through 2020 – but vessel transits and container volumes have not been reduced by 90% over that same time period; all of the evidence as to impacts confirms that there is no historical, objective basis for a conclusion that additional vessel transits will result in increased emissions or community impacts from vessel operations. Indeed, the trend is the opposite.

PMSA-10

The same holds true for other modes of freight transportation at the Port (trucks, trains, cargo handling equipment, harbor craft), although none of those save the tugs in the harbor craft category may see impacts from the turning basin project. And, as the Port is well aware, every component of the intermodal supply chain at California ports has not only been successfully employing aggressive measures for many years to significantly reduce the emissions of diesel toxics but is embarking on new rounds of emissions reductions. As a result of these efforts, this project is actually occurring in the

PMSA-11

context of improved air quality in the communities and regions surrounding our freight hubs and even more aggressive improvements on the horizon. These are the result of significant investments and remarkable progress made by ocean-going vessels and marine terminal operators. We welcome the project joining in these efforts and agree with the DEIR that the additional emissions associated with the turning basin expansions are truly "minor" especially when one considers the proposed use of the electric dredging equipment.

PMSA-11

In sum, the DEIR for the Turning Basins Expansion project describes the project as one which will facilitate safety, accessibility, and improvements in environmental quality. These include the benefits to air quality which will result from reductions in emissions per unit of cargo by allowing for the newest and most advanced vessels to call on the Port of Oakland.

PMSA-12

Thank you for affording the public the opportunity to comment on this important DEIR and to support this project which will improve the safety, economic vitality, and environmental footprint of vessel operations through the expansions of the Inner Harbor and Outer Harbor turning basins.

Sincerely,

Mike Jacob
Vice President & General Counsel

Greenhouse Gas Route Comparison Study

Prepared for:

Pacific Merchant Shipping Association

August 2023

Prepared by:

Executive Summary

In most circumstances, cargo routed from Asia through U.S. West Coast ports provides considerable greenhouse gas (GHG) benefits as compared to other U.S. port gateways. **GHG emissions are, on average, 18% higher when cargo that originates in the Far East is diverted from the West Coast in favor of East Coast/Gulf Coast ports.** The results of utilizing this GHG routing comparison tool clearly demonstrate that West Coast ports generally have an environmental advantage over East Coast and Gulf ports in the total GHGs emitted per container (measured in twenty-foot equivalent units, or TEUs) shipped from origin ports in Asia to inland destination cities in the U.S. While in some limited circumstances when analyzing by vessel size the advantage is insignificant or slightly negative, **GHG emissions can double when cargo from Asia bypasses the San Pedro Bay Ports or Pacific Northwest (PNW) Ports for the Port of New York and New Jersey.** The advantage may vary depending on many variables that include vessel size, arrival port, as well as the ultimate inland destination.

	US West Coast Comparison Ports Average percent increase when diverted from these ports			
From Asia to:	San Pedro Bay	Oakland	Pacific Northwest	West Coast Combined
To US East and Gulf coasts	19%	9%	26%	18%

Ironically, state and local regulations and policies designed to reduce GHGs from maritime and logistics operations in California are shifting cargo flows – and economic benefits - to East Coast and Gulf ports, creating the unintended consequences of generating greater GHG emissions. This shift in cargo away from the West Coast directly conflicts with the intent of climate focused policies and regulations. Cargo bypassing the West Coast to be transported through less expensive and less regulatory cumbersome gateways see much longer transit times, along with associated greater GHG emissions. As **U.S. West Coast ports have the lowest carbon footprint per TEU for cargo originating from Asia**, policymakers should consider the holistic economic and environmental consequences when implementing regulations which drive away cargo from the West Coast.

Overview

Shipping lines and cargo owners are influenced by three main factors when determining preferred shipping routes: speed to destination, reliability and cost. These factors, particularly cost, are influenced by several variables which can be impacted by state and local policies. These variables include: port and inland infrastructure, availability of skilled labor, vessel and network capacity, government and regulatory requirements and energy efficiency. As a result, cargo owners may select route alterations that are more beneficial for their business. Cargo owners have many options; one of the environmental consequences when alternative to West Coast ports are utilized are increased GHG emissions due to the much longer transit distances, sometimes more than twice the ocean distance. Therefore, policymakers should factor the likelihood of higher GHG emissions when they enact legislation and regulations that cause cargo to be diverted away from the West Coast.

The Pacific Merchant Shipping Association (PMSA) commissioned Starcrest Consulting Group, LLC (Starcrest) to develop a GHG comparison tool to assist policymakers, cargo interests and others in evaluating the relative differences in GHG emissions between various shipping routes originating from Asian ports to inland U.S. destinations. First developed in 2017, the comparison tool has been updated to reflect current shipping routes and other parameters.

Cargo originating from Asian ports has historically been routed east through the major gateways of the ports of Long Beach and Los Angeles and the PNW due to their relatively close geographic locations and proximity to infrastructure and logistics networks across the United States, such as truck and rail routes. In the past, shipping lines and cargo owners have paid increased operational costs related to environmental initiatives in order to access these gateways. However, due to the rapid investments in global transportation infrastructure, today, cargo owners have more U.S. gateway choices than ever before. As a result, they are highly sensitive to changes in their three primary metrics to determine cargo routes and carriers: cost, time, and reliability. In particular, cargo that is considered discretionary (i.e., cargo that could move through multiple gateways) is sensitive to changes in all three metrics and will seek the gateway that is most advantageous to the shipping line or cargo owner.

While it is true that many cargo owners, particularly those in consumer-influenced retail sectors, have environmental and sustainability goals to reduce GHGs from their transportation operations, these same cargo owners have financial goals to reduce annual logistics expenditures. To date, most cargo owners have focused their efforts on logistics efficiency improvements such as increased container utilization, modal shifts, network optimization and supplier management. In many cases, improvements that lower costs may also reduce environmental impacts. In addition, the use of more efficient, much larger container vessels can lower costs for vessel operators and reduce overall emissions on a given route. However, in today's hyper-competitive economic

environment, cargo owners will almost always choose the gateway that provides them a market advantage. In such instances, efficiency and environmental goals may not be aligned.

State and local regulations that are designed to reduce GHGs and air pollutant emissions from maritime and other logistics operations in California often increase operational costs for cargo owners and may have the unintended consequence of shifting cargo flows to less expensive gateways with longer transit time, and therefore generating greater GHG emissions. This shift in cargo away from the West Coast directly conflicts with the intent of climate focused policies and regulations. These actions increase GHG emissions above what would have been emitted in the absence of such regulations, as cargo originating in Asia is naturally attracted to U.S. West Coast ports, which have the lowest carbon footprint per TEU for cargo originating from Asia.

Comparison Tool

The GHG Comparison Tool allows analysis between emissions from cargo routed to inland locations through U.S. West Coast ports to emissions from shipments to the same inland locations routed through U.S. East Coast and Gulf Coast ports. The emissions analyzed include those from ocean-going vessels (OGVs) as they transit the open ocean and, depending on route, transit the Suez Canal or Panama Canal on their string from Asia to the U.S., and back to the originating port. The total emissions also include cargo handling equipment at the receiving port as well as locomotive transportation by rail from the receiving port to the inland destination, but not the return trip as railroad companies are able to make use of cargo logistics to move locomotives and railcars around their service areas without making specific trips back to a point of origin. The cargo movements that are included in this GHG comparison tool represent the direct activities associated with the specified ports. Once a unit of cargo has been removed from a ship, the remainder of the ship's voyage (i.e., the continuation of the string to the next port of call and beyond) is engaged in transporting other import and export cargo, as well as empty containers, so no emissions beyond the destination port are included in this tool.

A detailed description of the comparison tool and the methods used to evaluate the differences in emissions between routes is provided in Attachment A. The comparison tool analyzes emissions associated with trips from Busan, South Korea; Shanghai, China; and Singapore to U.S. West Coast, Gulf Coast and East Coast ports using typical routes across the Pacific Ocean for the West Coast ports, and the Suez or Panama Canals for the East Coast and Gulf Coast ports. Ultimate inland major logistic hub/destinations of Chicago, St. Louis and Memphis are considered.

This is the second update of the comparison tool. The original version of the tool developed in 2017 was provided to the U.S. Environmental Protection Agency, California Air Resources Board and South Coast Air Quality Management District for their review prior to publication.

GHG Emissions Summary

The following tables summarize the relative changes in GHG emissions when comparing cargo arriving at West Coast ports with cargo arriving at East Coast and Gulf Coast ports. Each table includes the overall route between origin port and inland destination, the arrival port and then the final destination. Other location comparisons are possible when using the tool.

Table 1 provides an overview of the average percentage increase in emissions when comparing emissions for cargo bound for Chicago when the entry port is a West Coast port, versus one of the East Coast or Gulf ports included in the evaluation tool. GHG emissions are, on average, 18% higher when cargo originating from Asia is routed through East Coast or Gulf Coast ports rather than West Coast ports. The values are estimates, actual increases will depend on variables such as the specific ocean routes that are taken, intermediate ports, vessel size, transit speeds, etc. However, the trend of increasing emissions with diversion from the U.S. West Coast is clear.

Table 1: Overall GHG Emissions Comparison

From Asia to:	US West Coast Comparison Ports Average percent increase when diverted from these ports			
	San Pedro Bay	Oakland	Pacific Northwest	West Coast Combined
US Gulf Coast via Panama	27%	16%	34%	25%
US East Coast via Panama	10%	1%	16%	8%
US East Coast via Suez	22%	12%	28%	20%
US East Coast combined	19%	9%	25%	17%
US East and Gulf coasts	19%	9%	26%	18%

Table 2 illustrates relative differences for cargo arriving specifically at the ports of Long Beach or Los Angeles on vessels in the 13,000-TEU size range with cargo arriving at Gulf and East Coast ports on vessels in the 13,000-TEU and 6,000-TEU size ranges, to provide a range of differences resulting from the different vessel sizes that may be used in trade. In almost all cases, the emissions increase, up to 92% more.

Table 2: GHG Emissions Comparison between San Pedro Bay Ports and East Coast Ports, by Vessel Size

Ocean Route	Arrival port	Inland Destination	Vessel Size Class	GHG Emission Change
Overall route: Busan - Chicago				
Pacific Ocean	LA or Long Beach, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	47%
			6,000 teu	60%
Panama Canal	Savannah, GA	Chicago, IL	13,000 teu	1%
			6,000 teu	52%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	22%
			6,000 teu	87%
Overall route: Singapore - Chicago				
Pacific Ocean	LA or Long Beach, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	50%
			6,000 teu	64%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	-10%
			6,000 teu	36%
Overall route: Shanghai - Chicago				
Pacific Ocean	LA or Long Beach, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Savannah, GA	Chicago, IL	13,000 teu	-1%
			6,000 teu	48%
Suez Canal	New York & New Jersey	Chicago, IL	13,000 teu	24%
			6,000 teu	92%

Table 3 illustrates relative differences for cargo arriving at the Port of Oakland on vessels in the 13,000-TEU size range with cargo arriving at Gulf or East Coast ports on vessels in the 13,000-TEU and 6,000-TEU size ranges. In almost all cases, the emissions increase, up to 69% more.

Table 3: GHG Emissions Comparison between Port of Oakland and East Coast Ports, by Vessel Size

Ocean Route	Arrival port	Inland Destination	Vessel Size Class	GHG Emission Change
Overall route: Busan - Chicago				
Pacific Ocean	Oakland, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	33%
			6,000 teu	45%
Panama Canal	Savannah, GA	Chicago, IL	13,000 teu	-8%
			6,000 teu	37%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	11%
			6,000 teu	69%
Overall route: Singapore - Chicago				
Pacific Ocean	Oakland, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	39%
			6,000 teu	51%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	-17%
			6,000 teu	25%
Overall route: Shanghai - Chicago				
Pacific Ocean	Oakland, CA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	15%
			6,000 teu	51%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	-17%
			6,000 teu	25%

Table 4 illustrates relative differences for cargo arriving at the Pacific Northwest ports of Tacoma or Seattle on vessels in the 13,000-TEU size range with cargo arriving at Gulf or East Coast ports on vessels in the 13,000-TEU and 6,000-TEU size ranges. In almost all cases, the emissions increase, up to 104% more.

Table 4: GHG Emissions Comparison between Pacific Northwest Ports and East Coast Ports, by Vessel Size

Ocean Route	Arrival port	Inland Destination	Vessel Size Class	GHG Emission Change
Overall route: Busan - Chicago				
Pacific Ocean	Pacific Northwest, WA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	53%
			6,000 teu	66%
Panama Canal	Savannah, GA	Chicago, IL	13,000 teu	5%
			6,000 teu	57%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	27%
			6,000 teu	94%
Overall route: Singapore - Chicago				
Pacific Ocean	Pacific Northwest, WA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Houston, TX	Chicago, IL	13,000 teu	56%
			6,000 teu	70%
Suez Canal	Savannah, GA	Chicago, IL	13,000 teu	-6%
			6,000 teu	42%
Overall route: Shanghai - Chicago				
Pacific Ocean	Pacific Northwest, WA	Chicago, IL	13,000 teu	---
			6,000 teu	---
Panama Canal	Savannah, GA	Chicago, IL	13,000 teu	5%
			6,000 teu	58%
Suez Canal	New York & New Jersey	Chicago, IL	13,000 teu	32%
			6,000 teu	104%

RBB Economics

The Impact of the CBER on Supply Chain Emissions

An evidence-based assessment of developments since 2008

RBB Economics, 20 July 2023

1 Introduction and summary

1 This paper has been prepared at the request of the World Shipping Council ("WSC"). It relates to the European Commission's Consortia Block Exemption Regulation ("CBER") and its impact on greenhouse gas emissions.

2 WSC considers that, by facilitating the formation of shipping consortia, the CBER has helped reduce greenhouse gas emissions in the liner shipping industry, and its broader supply chain. This is largely because consortia enable their members to operate appropriately-sized – often larger, more fuel-efficient – vessels.[1] Indeed, the European Commission ("EC") expressly identified this effect in its last evaluation of the CBER, stating that, for technological reasons, the use of larger vessels by consortia/alliances gives rise to, *inter alia*, environmental benefits.[2]

3 However, we understand that some stakeholders have challenged the notion that the CBER has had a positive impact on emissions overall. This theory, as we understand it, asserts that, while the CBER has led to reduced emissions in respect of deep-sea liner services, this may have been offset by increased emissions elsewhere in the supply chain.

[1] See for instance Notteboom, T.E., Vernimmen, B., The effect of high fuel costs on liner service configuration in container shipping, Journal of Transportation Geography (2008), Table 3, or Psaraftis, Harilaos N. and Kontovas, Christos A; CO2 Emission Statistics for the World Commercial Fleet, WMU Journal of Maritime Affairs, 2009; Table 2.

[2] COMMISSION STAFF WORKING DOCUMENT EVALUATION of the Commission Regulation (EC) No 906/2009 of 28 September 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia), p.32: "*For example, vessel sharing agreements have environmental benefits through reduced consumption and lower vessel emissions, and they bring technological benefits through newer, more efficient, more technically up-to-date modern ships and improved IT systems for container tracking to meet shipper demands.*"

4 It is contended that this offsetting effect also arises as a consequence of the CBER, because the formation of consortia and the use of larger vessels may result in a consolidation of cargoes across fewer routes meaning that loaded/discharged cargoes then have further to travel from their point of unloading before reaching their eventual destination and that such "hub" ports are subjected to increased levels of congestion.

5 In this paper, we assess the credibility of this concern, considering various pieces of evidence in this regard. We first unpack the mechanism through which the CBER is assumed to have resulted in increased emissions (Section 2). To do so, we set out the factual elements that must be verified for the concern that the CBER has resulted in an increase in emissions to hold. Specifically, it must be true that:

- there has been a consolidation of volumes amongst a relatively small number of "hub" ports as a result of the CBER;
- this consolidation has led to an increased usage of other transport modes, such as road and short-sea, due to volumes being loaded/discharged further away from their point of origin/final destination;
- the increased usage of road, short-sea and inland waterways transport has increased emissions from these modes of transport; and
- the increased emissions from these transportation modes have outweighed the reduction in emissions that has arisen from vessel-sharing facilitated by the CBER, leading to a net positive increase in emissions from the supply chain.

6 Importantly, each of the above would need to hold true for the concern that the CBER has had the unintended consequence of increasing greenhouse gas emissions to be valid. In the remainder of this paper, we analyse the available evidence to assess whether it supports this concern. Importantly, we do not consider each and every aspect of the above (for example, we do not consider the issue of causation), but this is unnecessary since the elements that we do consider already show that the concern is unlikely to be a valid one.

7 The paper's structure and its conclusions are as follows:

- We start with an assessment of available evidence on ultimate outcomes in terms of emissions levels (Section 3). The evidence presented here does not provide any obvious support to the theory that, even if cargo consolidation has occurred, emissions from other forms of transport (such as road freight) have increased (either as a result of cargo consolidation or otherwise). Indeed, the data do not even suggest a strong correlation between such emissions and overall cargo volumes transiting through main ports (irrespective of whether that has been due to consolidation or simply increasing volumes in the sector as a whole).
- We then examine the evidence on the usage of road, short-sea and inland waterway transport, in order to assess whether these modes of transport have become relatively more heavily used as compared to deep-sea liner transport (Section 4). The data indicate that there has been no increase in the relative usage of these other modes of freight. This

is entirely the opposite of what one would expect if the CBER had resulted in an increased usage of other transport modes (and in turn increased emissions from them).

- Finally, we assess whether there is any evidence of a consolidation of cargoes over a smaller set of "hub" ports at all (Section 5). To do so, we analyse various pieces of evidence relating to ports and port usage.
  - The distribution of volumes across EU ports does not provide any evidence that volumes have become more concentrated amongst certain ports since 2008. Instead, various metrics all point in the same direction, namely that concentration amongst ports in the EU has remained low and stable between 2008 and 2021. Moreover, there is no evidence that large ports are growing faster than smaller ports, with many smaller ports in fact growing at faster rates that their larger counterparts.
  - There have been a number of new services and port calls added to existing sailings by carriers. This is again at odds with the notion that carriers are focusing their services on a limited number of port "hubs".
  - There is also no evidence that smaller ports are becoming less well-connected over time, either in absolute terms or relative to a select few port "hubs". This is borne out by the fact that the port liner shipping connectivity index ("PLSCI") of the 20 largest EU ports is growing at a similar rate as that for the rest of the ports in the EU. The fact that the PLSCI is growing for smaller ports also indicates that such ports are becoming better-connected over time.

8 In short therefore, the available evidence does not support, and is in many cases directly at odds with, the concern that the CBER has led to increased emissions from modes of transport other than deep-sea shipping. As such, the only demonstrable effect of the CBER on emissions remains a positive one, as has been acknowledged by the EC and as is supported by the available data.

2 Analytical framework

9 At the outset, it is worth reiterating that the CBER has a *prima facie* positive environmental effect through the reduction of greenhouse gas emissions from liner shipping. Indeed, as highlighted below in Figure 1, average greenhouse gas emissions per twenty-foot equivalent unit (TEU) are decreasing over time, and it has previously been acknowledged by the EC that "*vessel sharing agreements have environmental benefits through reduced [fuel] consumption and lower vessel emissions"*.[3]

10 Therefore, the theoretical concern that the CBER has resulted in an overall increase in greenhouse gas emissions in other areas of the supply chain relies upon a number of elements

[3] COMMISSION STAFF WORKING DOCUMENT EVALUATION of the Commission Regulation (EC) No 906/2009 of 28 September 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia), p.32.

that should be assessed individually. All such elements would need to be true for this theoretical concern to be a genuine concern in reality.

- The first element / assertion is that there has been a consolidation of cargoes across a smaller number of ports (major "hubs") over time, and that this has arisen as a consequence of (i.e., been caused by) the CBER.
- The second element is that this has given rise to increased emissions through one or more of the following mechanisms:
  - increased use of road transport, as a consequence of cargoes being loaded/discharged from vessels further away from their point of origin/final destination; and/or
  - increased use of onward short-sea and/or inland waterway transport in order to bridge the gap between the major "hubs" and the actual shipment origin/destination.
- The third element is that the increases in emissions arising as a consequence of the above mechanisms are sufficiently large to outweigh the emissions-reducing impact of cargoes being shipped on larger vessels as a consequence of the CBER.

11 Evidently, if any of the above elements do not match the market reality, then the concern that the CBER has resulted in increased emissions will not hold.

12 In this paper we do not consider each aspect of the above in detail. Instead, we focus on assessing the validity of certain of the above elements. We do so in three different ways.

- First, we examine whether the available data in terms of direct effects lend support to the concern that has been raised – e.g., if emissions from the freight industry have increased, this would be consistent with the theory described above.
- Second, we consider whether the available evidence indicates that cargoes are being transported an increasing amount/distance via other complementary transport modes such as road (i.e., in metric ton-km terms) relative to cargo transported via deep-sea.
- Third, we assess whether there is evidence of a significant consolidation of cargoes over a reduced number of routes over time. As indicated above, this is a necessary element for the broader concern to be a valid one. To do so, we analyse data on port volumes and growth, addition of services and ports to existing services, and port connectivity indices.

3 Emissions from freight and the supply-chain

13 This section aims to assess overall emission levels in the transport sector, as compared to shipping volumes since 2008. That is, it assesses whether or not there is evidence that emissions levels for various modes of transport have been increasing, and how any such trends compare to trends in shipping volumes.

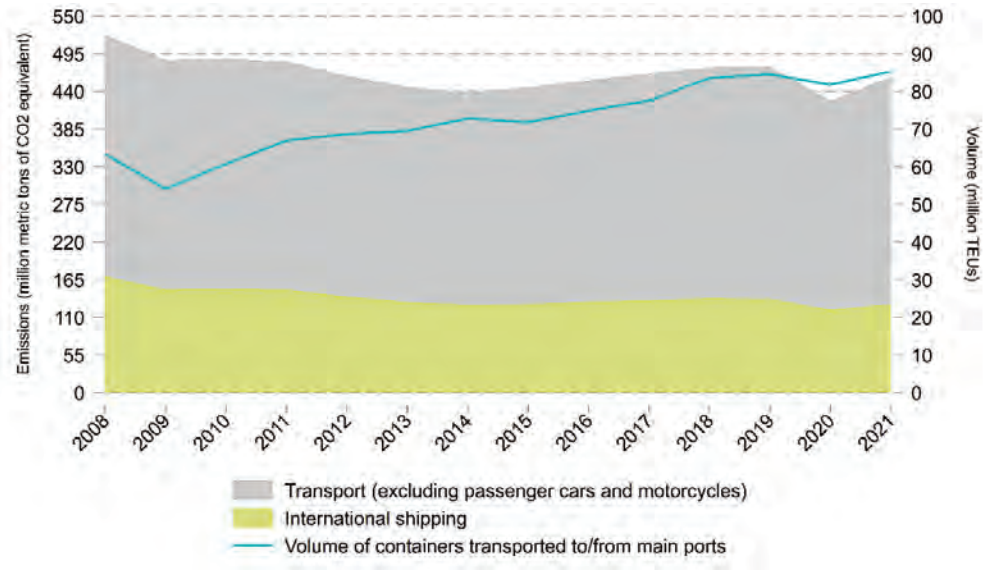
14 In this regard, Figure 1 below presents the trends in annual greenhouse gas emissions in the EU, arising from each of the international shipping and goods transport sectors (the latter is proxied for by the relevant data for the transport sector excluding passenger cars and motorcycles). Alongside this, the figure also presents the annual volumes of cargo handled by "main" ports in the EU.[4]

15 The figure demonstrates that, since 2008, emissions from the international shipping and goods transport supply chains have been either broadly stable or declining. This arises against a background of a steady increase in the volume of cargo transported, which grew by 35% between 2008 and 2021, from 63 to 85 million TEUs. In other words, although the amount of cargo being transported has increased substantially, the emissions associated with its transportation have not, and have in fact decreased overall.

16 More specifically, the figure shows a clear decline in international shipping emissions, consistent with the EC's previous findings in respect of the impact of the CBER. Emissions from international shipping were around 170 million metric tons in 2008, while they had fallen to 129 million metric tons in 2021 (a reduction of 24%). The figure also shows no obvious increase in transport emissions – the transport supply chain emitted 522 million metric tons of emissions in 2008 against 460 in 2021 (an overall reduction of 12%).

[4] "Main" ports are defined by Eurostat as per the Directive 2009/42/EC. "Main" ports are those ports "*handling more than 1 million tonnes [metric tons] of goods or 200 000 passengers annually.*" However, "*additional data may also be included by countries for smaller ports on a voluntary basis" and "because of normal fluctuations in port activity, the thresholds are not automatically applied on a yearly basis to maintain the consistency of the series over time*." See https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Main_ports

Figure 1: Annual greenhouse gas emissions in the EU for transport and international shipping sector, 2008-2021



Source: *European Environment Agency (EEA). See https://www.eea.europa.eu/data-and-maps/data/data-viewers/greenhouse-gases-viewer and Eurostat, see https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go.mar_go_qm_cont&display=list&sort=category&extractionId=MAR_TP_GO*

Notes: *Emissions from the transport sector include emissions from road transportation (cars, light duty trucks, heavy duty vehicles and buses, motorcycles and "other" road transportation), railways, domestic navigation and "other" transportation. To control for passenger traffic, we deduct emissions from cars and motorcycles from the total transport figure as these figures are unlikely to relate to freight. We use the "International navigation" sector from the EEA data to plot international shipping.*

17 The figure of course does not control for any steps taken to use less pollutive technologies, but nevertheless provides no obvious support for the theory that the reduction in emissions from shipping has come at the cost of increased emissions from other modes of transport.

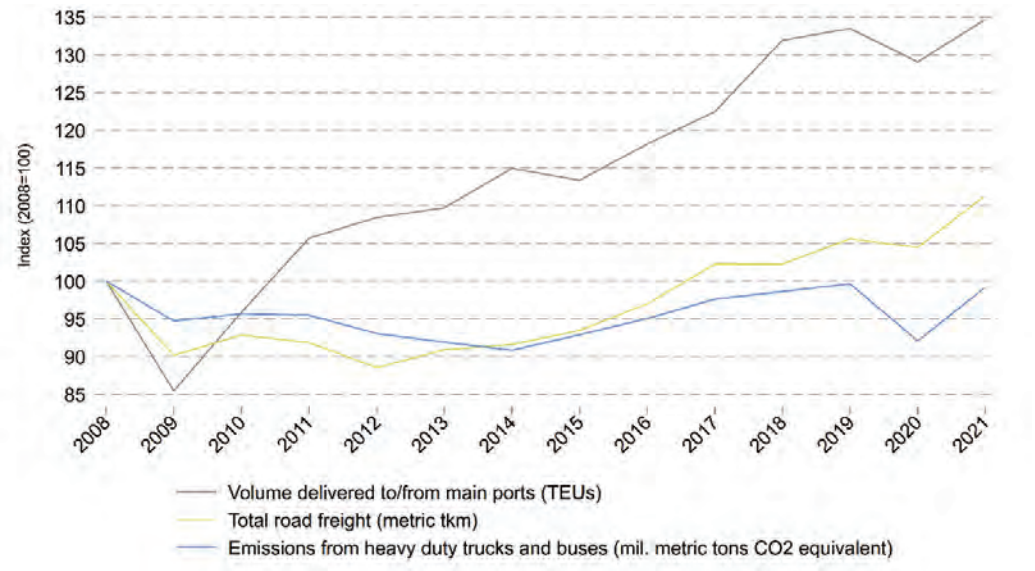
18 This is further confirmed by Figure 2 below, which focuses more specifically on road freight. Specifically, the figure presents indices for the total volume of cargo delivered to and from the main EU ports, the total volume-distance covered by road freight and the emissions from heavy-duty vehicles (including container trucks) in the EU between 2008 and 2021. The indices are set to 100 for each series' 2008 value, to allow for easier comparison and analysis of trends.[5]

19 Consistent with Figure 1, Figure 2 indicates that emissions from heavy-duty vehicles, i.e., the vehicles typically used for road freight including container trucks, while experiencing variation over time, have not increased substantially since 2008. In contrast, over the same period, there has been a substantial increase (over 35% since 2008) in the total volume delivered to and from main EU ports.

[5] Indices are numerical representations used to track the performance or changes of data over time. They provide a standardized way to compare and analyse trends, focusing on relative changes rather than absolute values. Using indices simplifies visualization, facilitates comparisons, and enables long-term trend analysis by eliminating the influence of differing scales or units of measurement.

20 There has also been an increase in total road freight in the EU, but this has notably been considerably more modest (+11% since 2008). The fact that this increase has been more modest than the trend in volumes of cargo transiting through main ports is also, on its face, at odds with any suggestion that there has been a disproportionate increase in road freight due to cargoes being consolidated across fewer routes/ports, although we examine this in more detail below.

Figure 2: Trends in volume transported to/from main EU ports, total road freight and emissions from heavy duty trucks and buses in the EU - 2008-2021 – Index 2008 = 100



Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go.mar_go_qm_cont&display=list&sort=category&extractionId=MAR_TP_GO and https://ec.europa.eu/eurostat/databrowser/view/ROAD_GO_TA_TG__custom_6629509/default/table?lang=en. European Environmental Agency Data. See https://www.eea.europa.eu/data-and-maps/data/data-viewers/greenhouse-gases-viewer*

Notes: *When using Eurostat data, the domain used is "European Union – 27 countries (from 2020)"*

21 Accordingly, the figure highlights that there is no clear correlation between volumes handled by the main EU ports, total road freight and overall levels of emissions coming from heavy duty road freight vehicles. Again, this does not provide any clear support for the notion that increases in the volumes of cargo transiting through main ports has led to an increase of emissions from road transportation.[6]

22 In short, therefore, the data that focus directly on the relationship between cargo volumes transiting through the main EU ports and emissions levels do not provide any obvious support to the theory that emissions from other forms of transport (such as road freight) have increased as a consequence of increased cargo consolidation facilitated by the CBER. Indeed, the data do not even suggest a strong correlation with overall cargo volumes transiting through the

[6] This is even before one considers that an increase in volumes of freight delivered to main ports does not imply an increased consolidation of volumes amongst such ports (which we assess below). In particular, even in a situation without such consolidation, if overall demand for sea freight is increasing, and such growth is experienced proportionally across all ports, main ports' cargo volumes would increase.

main EU ports (irrespective of whether that has come as a result of consolidation rather than simply increasing volumes in the sector as a whole).

4 Share of complementary transport modes

23 Notwithstanding the absence of evidence on rising levels of emissions, we have also considered other types of evidence to assess whether there is any support for the concern that CBER has led to an increase in emissions. Specifically, we consider:

- the distribution of freight volumes over the various transportation modes used for moving cargoes; and
- the split of maritime transport as between deep- and short-sea shipping.

24 In particular, we assess whether there has been an increase in road freight, inland waterway transport and/or short-sea shipping since 2008. We do so because, as noted above, central to the notion that the CBER has led to increased emissions is that it has resulted in cargoes being loaded/discharged further away from their point of origin/ultimate destination, thus ultimately requiring greater use of these complementary forms of transport.

25 We focus in particular on the share of cargo volumes (or more specifically, volume multiplied by distance) transported by different forms of transport (rather than volume levels), since this controls for changes in overall demand. If it is correct that the CBER has led to cargoes being initially loaded/discharged further from their ultimate origin/destination, this would mean relatively greater use of transport modes that take cargoes to/from the main port at which they are loaded/discharged would be necessary.

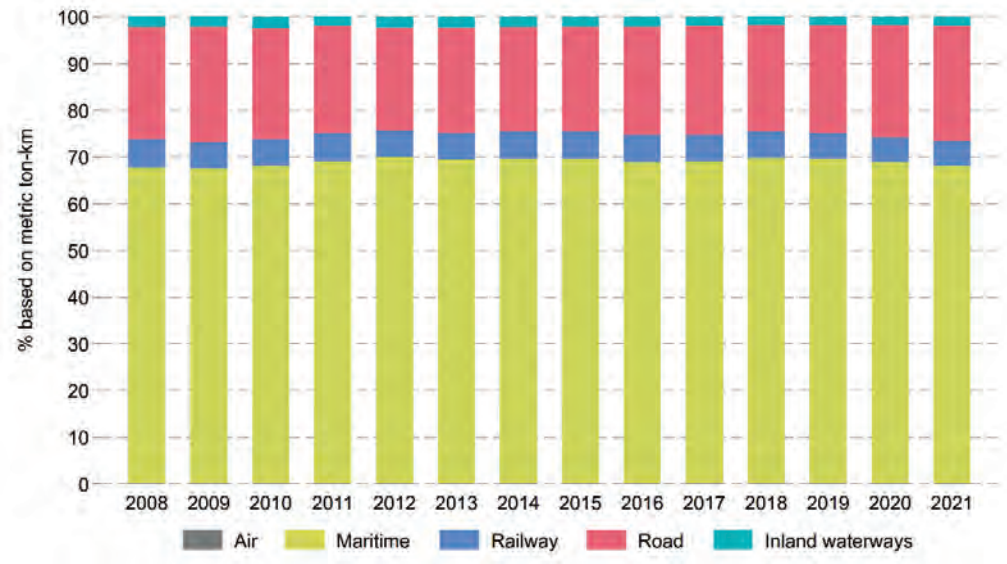
26 However, this is not supported by the evidence presented in Figure 3 below.

27 Specifically, the figure depicts the proportion of total freight transport in the EU that is accounted for by each transport mode, amongst air, maritime, railway, road and inland waterway, from 2008 to 2021, based on metric ton-km.[7]

28 The figure indicates that, contrary to what one would expect if the overarching concern discussed above in Section 2 were correct, the relative use of road, rail and inland waterway transport has not significantly increased over time (i.e., as a proportion of total freight), relative to the situation in 2008. Indeed, there has generally been limited variation in the relative importance of different modes of freight transportation.

[7] As explained in the associated metadata (https://ec.europa.eu/eurostat/cache/metadata/en/tran_hv_ms_esms.htm and https://ec.europa.eu/eurostat/cache/metadata/EN/mar_tp_esms.htm), these data are based on a "territorialisation" methodology developed by Eurostat, based on collected data expressed in metric tons. These data are presented along a breakdown for maritime freight which does not identify short- and deep-sea.

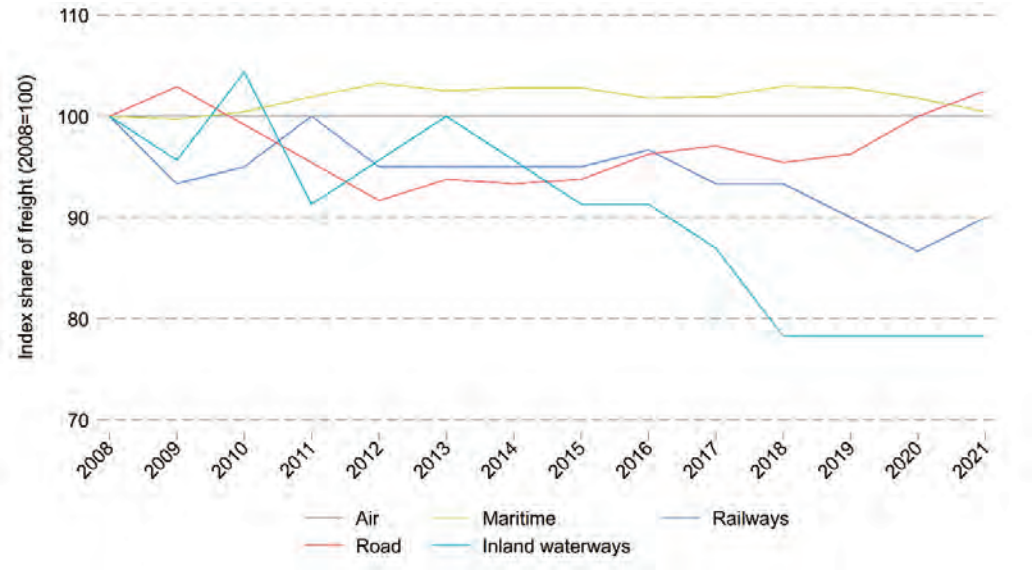
Figure 3: Modal split of total freight in the EU, 2008-2021



Source: Eurostat. See https://ec.europa.eu/eurostat/databrowser/view/tran_hv_ms_frmod/default/table?lang=en
Notes: When using Eurostat data, the domain used is "European Union – 27 countries (from 2020)"

29 In order to improve readability on the trends followed by the share of each transport mode, the same data are presented in Figure 4 below, where the shares are presented in indices, set at 100 for 2008. This figure confirms that, with the exception of declines in the relative importance of railway freight and inland waterways in recent years, there are no clear trends. There is certainly no evidence of the relative distances travelled by road increasing as compared to those travelled by sea (indeed while road's share varies over time, its share in 2020 was the same as in 2008, and its share in 2021 was only marginally higher, and approximately the same as in 2009). The data thus do not support the theory outlined in Section 2.

Figure 4: Indexed share of each mode of freight in the EU, 2008-2021



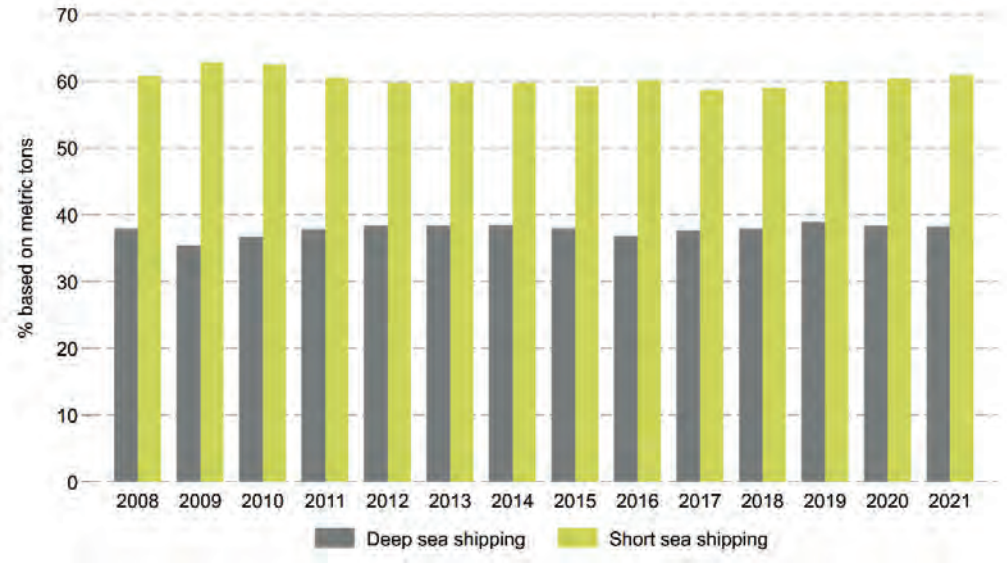
Source: Eurostat. See https://ec.europa.eu/eurostat/databrowser/view/tran_hv_ms_frmod/default/table?lang=en
Notes: When using Eurostat data, the domain used is "European Union – 27 countries (from 2020)"

30 Finally, if sea cargoes were being consolidated at port "hubs", with the remaining distance not covered by either road or inland waterways (as demonstrated from Figure 3 and Figure 4 above), one would expect to observe a relative increase in the volume of cargoes transported via short-sea shipping within the maritime transport category, as compared to deep-sea shipping.[8] However, as Figure 5 shows, the volume of goods transported by short-sea shipping has not increased as a proportion of total goods transported by sea.

31 Specifically, the figure presents the share of cargo volume (in metric tons) accounted for each of short- and deep-sea shipping, within sea transport in the EU, for each year from 2008 to 2021. It shows that the share of total cargo volumes transported via short-sea shipping has remained relatively constant, at around 60%. This share follows no clear trend and provides no factual support to the idea that international liner shipping has focused on a few main routes connecting major "hubs" on average further away from cargoes points of origin and destination, thus requiring an increased use of short-sea shipping.

[8] We understand that the maritime category comprises all "sea-going vessels" thus comprising short- and deep-sea shipping. See https://ec.europa.eu/eurostat/cache/metadata/en/tran_hv_ms_esms.htm

Figure 5: Short- and deep-sea shipping as a proportion of total sea transport in the EU, 2008-2021[9]



Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/view/mar_sg_am_cw/default/table?lang=en; https://ec.europa.eu/eurostat/databrowser/view/MAR_SG_AM_CW__custom_6710276/default/table?lang=en*
Notes: *When using Eurostat data, the domain used is "European Union – 27 countries (from 2020)"*

32 As demonstrated above, the empirical evidence therefore provides no obvious support for the theory that the CBER, while leading to reduced emissions from deep-sea transport, has given rise to increased emissions from other forms of transport. Moreover, this evidence also does not provide any support for the notion that the CBER has resulted in proportionately greater use of these other forms of transport (be it road, inland waterways or short-sea shipping) as a consequence of cargoes having to be loaded/discharged further away from their ultimate point of origin/destination. In fact, it suggests that there has been no such shift, and the CBER's only effect on greenhouse gas emissions would be limited to the demonstrable decrease in emissions from international shipping.

5 Evidence on cargo consolidation, port growth and connectivity

33 As indicated above, the question of whether the CBER has resulted in the consolidation of cargoes across fewer routes/ports is central to the theoretical concern that the CBER has, overall, resulted in higher (rather than lower) emissions. If it has not, then this is already sufficient to dismiss the theory set out in Section 2 as a realistic concern.

34 In this regard, it is important to appreciate from the outset that the CBER cannot be assumed to result in this kind of consolidation *a priori*. That is, it does not follow as a matter of logic that

[9] Short-sea shipping is defined by Eurostat as the "*maritime transport of goods over relatively short distances, as opposed to the intercontinental cross-ocean deep sea shipping. In the context of EU transport statistics, it is defined as maritime transport of goods between ports in the EU (sometimes also including candidate countries and EFTA countries) on one hand, and ports situated in geographical Europe, on the Mediterranean and Black Seas on the other hand.*" See https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Short_sea_shipping_(SSS).

the CBER will have resulted in deep-sea shipping lines operating fewer routes and/or loading and discharging larger cargoes at fewer ports, as opposed to simply enabling shipping lines to operate the same routes and visit the same ports but using a smaller number of larger vessels and/or operating those services at a higher frequency.

35 There are reasons to believe that the CBER has allowed carriers to call at ports that they would not have been able to serve on an individual basis for lack of sufficient demand. Indeed, as highlighted in Section 3.2 of the RBB report dated 3 October 2022, it is recognised by the EC that "*[c]onsortia can lead to economies of scale and better utilisation of the space of the vessels. In principle, a fair share of the benefits resulting from these efficiencies can be passed on to users of the shipping services in terms of <u>better coverage of ports (improvement in the frequency of sailings and port calls)</u> and better services (improvement in scheduling, better or personalised services through the use of more modern vessels, equipment and port facilities)*".[10]

36 Therefore, whether deep-sea freight has focused on a lower number of services and/or ports must be assessed empirically (and not assumed). In this section, we seek to do so via the following pieces of evidence:

- First, we analyse data on the distribution of volumes across ports.
- Second, we consider the available evidence on the introduction of new services and the addition of ports to existing services.
- Third, we compare connectivity indices for large and smaller ports, and assess the extent to which these have changed over time.

5.1 Distribution of volumes across ports

37 If the mechanism described in Section 2 holds true, one would expect to see cargoes becoming increasingly concentrated across a smaller set of major "hubs". That is, one would expect to observe not only cargo volumes transported through major "hub" ports increasing, but also other smaller ports handling a decreasing volumes of cargo, either in absolute terms or as a share of the overall volume of cargo transiting through ports.

38 In this regard, Figure 6 and Figure 7 illustrate the share of total cargo handled through ports in the EU of different levels of sizes, for each of 2008 and 2021 respectively. In these figures, ports are first ranked according to cargo volumes handled in 2008 and then divided into four groups (i.e., quartiles), each containing a quarter of the total number of 302 ports as of 2008.[11] The charts then represent the volume handled by each of these groups of ports as a share of

[10] COMMISSION STAFF WORKING DOCUMENT EVALUATION of the Commission Regulation (EC) No 906/2009 of 28 September 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia), page 7, emphasis added.

[11] Data was available for 452 unique ports over the period 2008 to 2021, however in 2008, data on only 302 ports were available. We define quartiles on this basis and only consider these 302 ports over the whole period. However, the sample size in a given year may be less, given that not all ports for which a quartile was defined in 2008 have data in every year. For instance, the sample size in 2021 was 254 ports.

the total volume.[12] For example, Figure 6 below indicates that the smallest 25% of ports in the EU accounted for 2% of the volumes handled amongst all ports in the EU in 2008.

Figure 6: Volume handled by ports in the EU – quartiles by size – 2008

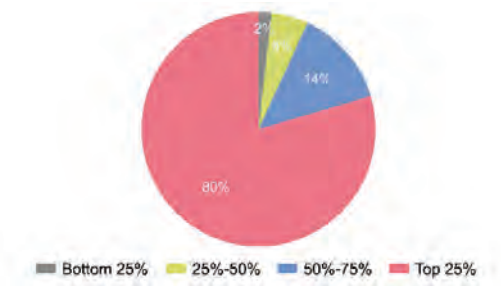
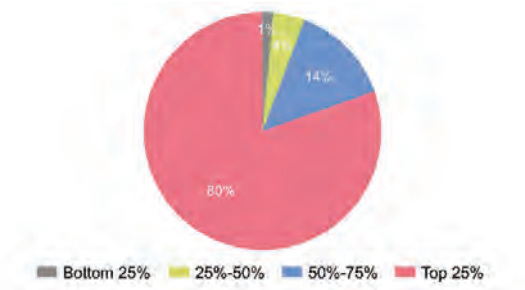


Figure 7: Volume handled by ports in the EU – quartiles by size - 2021



Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go&display=list&sort=category*

Notes: *Quartiles are defined based on the total (i.e., combination of inwards and outwards freight) gross weight in thousands of metric tons transported to/from main ports in each EU member state in 2008.*
Eurostat does not have data available for Austria, Czechia, Hungary, Luxembourg or Slovakia.

39 While it is evident from the figures that the largest 25% of ports handle a very significant portion of all shipped volumes, this share has not increased between 2008 and 2021. Specifically, the share of all volumes handled by the largest 25% of ports remains unchanged, at 80% in both 2008 and 2021. The same is true for the quartile containing the next largest 25% of ports, which had a share of 14% of all volumes shipped in both 2008 and 2021.

40 This is evidently not consistent with the notion that cargoes have been increasingly consolidated across fewer "hub" ports.

41 An examination of absolute port volumes paints a similar picture. Again, as noted above, if the mechanism outlined in Section 2 holds, we would expect to see growth in larger ports only, while smaller ports would have experienced decreasing volumes (in either absolute terms or relative to larger ports). However, Figure 8 and Figure 9 below indicate that this has not been the case.

42 Specifically, Figure 8 and Figure 9 plot the rate at which the volumes handled by each EU port grew between 2008 and 2021, against its size in terms of handled volumes as of 2021.[13] Figure 8 presents this information for ports where the volume of cargo handled has increased, while Figure 9 includes all ports. In both figures, the more to the left a port is along the x-axis, the smaller its size, in terms of total handled cargo as of 2021. The higher it is up the y-axis in the graph, the higher the growth rate it has experienced between 2008 and 2021.

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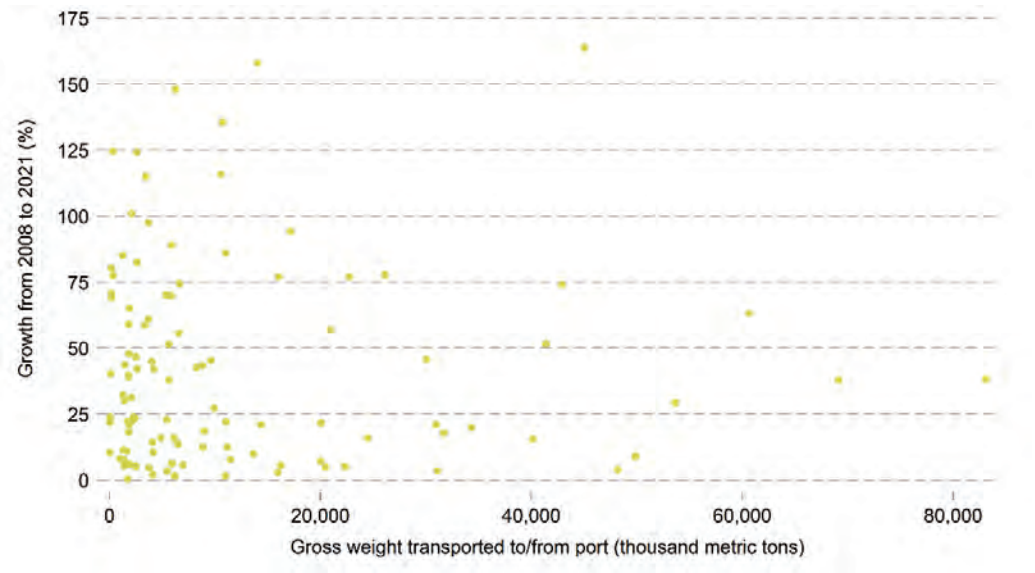
[12] The total volume handled by the 25% largest ports as of 2008 is represented in red, the volume handled by the 25% smallest ports is represented in grey, while the green and grey areas represent the volumes handled by the ports which lie in the middle half of the distribution (blue for ports that fall in the second largest 25%, and grey for ports which lie in the second lowest 25%).

[13] These figures exclude outliers in terms of port size and growth rates, for ease of reading:
- Two ports with a total gross weight handled of over 200 thousand metric tons have been excluded. These ports are Antwerp and Rotterdam with growth rates of 26% and 13%, respectively.
- Three ports with a growth rate over 200% have been excluded. These are Catania, Piraeus and Wangerooge, which have handled volumes of 6,656; 46,951; and 147 thousand metric tons respectively in 2021.

43 The figures indicate that there is significant variation in the extent to which different ports' volumes have increased, and the respective sizes of these ports. However, most importantly, there is no clear correlation between a port's size and the rate at which its volumes have grown. That is, larger ports do not appear to have grown at a faster rate than smaller ports.

44 Indeed, many of the ports that have achieved significant growth since 2008 are smaller ports. On average, the ports that have grown the fastest are significantly smaller than the ports with which grew at a lower rate.[14] By the same token, while some small ports have seen declining volumes, so too have some larger ports. This is therefore again inconsistent with the notion that cargoes have become increasingly consolidated across larger ports.

Figure 8: Port size (volume handled in 2021) and volume growth (between 2008 and 2021) – EU Ports with an increase in handled volumes between 2008 and 2021

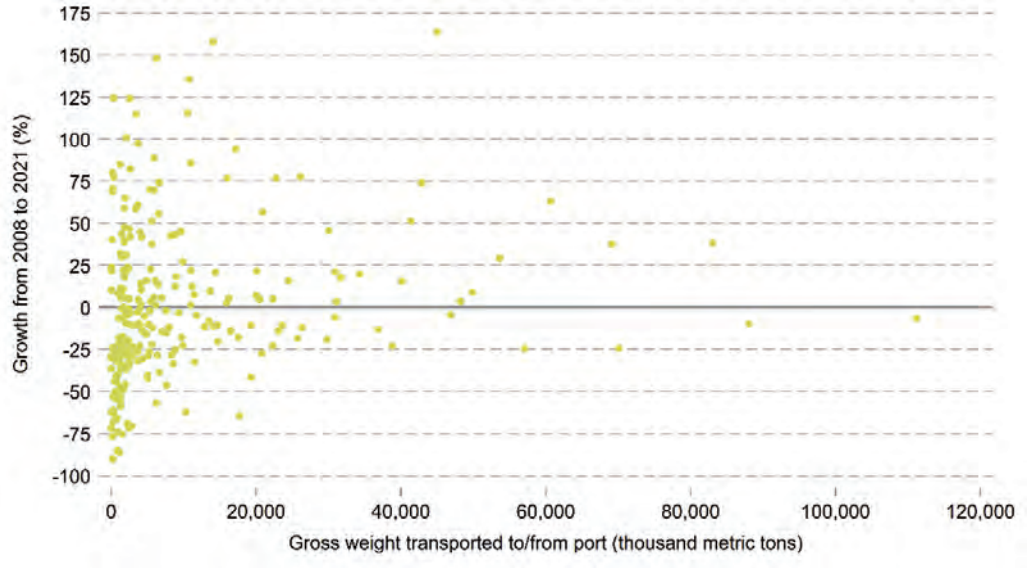


Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go&display=list&sort=category*

Notes: *This figure only considers 109 ports that grew their total handled volumes between 2008 and 2021. Gross weight is plotted as per 2021 figures.*

[14] The median growth rate of ports with a positive growth rate is 30%. Ports which grew by more than 30% between 2008 and 2021 handled on average 12,324 thousand metric tons in 2021, compared to an average of 22,818 thousand metric tons handled by the ports which achieved a growth rate lower than 29%.

Figure 9: Port size (volume handled in 2021) and volume growth (between 2008 and 2021) – all EU ports



Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go&display=list&sort=category*

Notes: *This figure considers 249 ports for which data was available in both 2008 and 2021. Gross weight is plotted as per 2021 figures.*

45 This is further illustrated through the data presented in Figure 10 below. Specifically, the figure presents various metrics regarding the concentration of cargo volumes handled by EU ports, namely: the share of volume held by the largest port, the 5 largest ports and the 10 largest ports in the EU, as well as the HHI across all EU ports, for the period 2008-2021.[15]

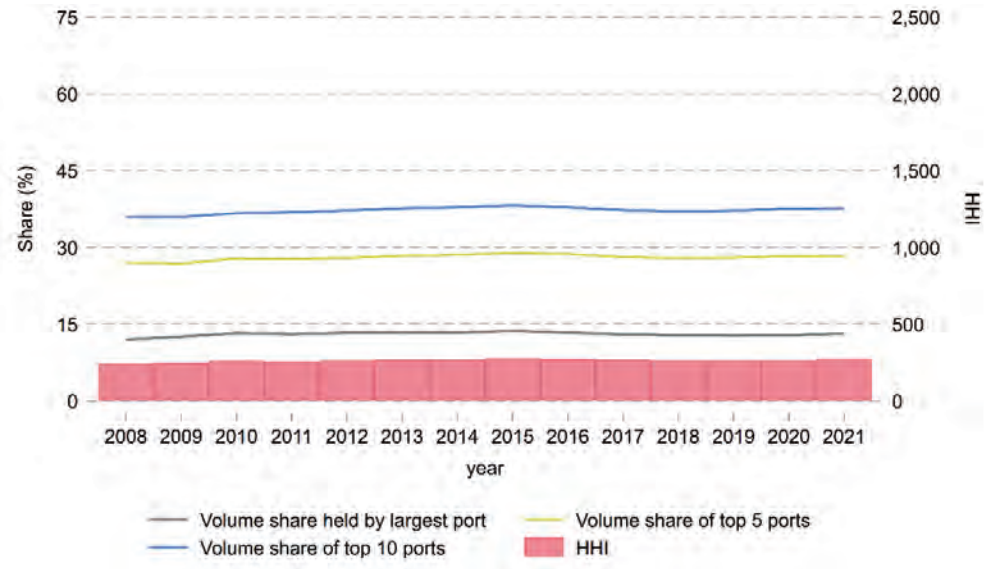
46 The figure shows that the concentration of volumes across EU ports is and has remained low, according to all relevant metrics:

- The HHI remained stable, exhibiting only a very modest increase, from 240 in 2008 to 274 in 2021. Moreover, the level of concentration remained very low over the period, including during the pandemic.
- The volume share handled by the largest individual EU port is low and stable. It has never exceeded 14%, from 12% in 2008.

[15] The top 5 and 10 ports are identified for each relevant year. The full sample of top 10 ports across the period comprises 16 unique ports, 8 of which are consistently present in the top 10 throughout the period. Over the analysed period, Rotterdam, Antwerp, Hamburg and Amsterdam always constitute the 4 largest EU ports, and the fifth largest port is always either Algeciras or Marseille. Le Havre and Valencia are systematically ranked between the 6th and 10th position by size between 2008 and 2021. Overall, the data does not display any significant shifting of volumes from some ports to others. That said, even if there was such a shift (*quod non*), that would not provide any support to the concern that the CBER may have led to increased emissions throughout the supply-chain. For such an effect to occur, it must be that, as a result of the CBER, volumes were shifted from ports which necessitated less road, inland waterways or short-sea complementary freight, to ports which necessitate an increased usage of these alternative transportation modes and that such shift led to an increase in emissions that more than offset the well recognised decrease in emissions in deep sea shipping facilitated by the CBER. However, as explained in Section 4, there is no evidence of such an increased usage of other transport modes.

- The share held by the 5 largest EU ports has remained stable and limited, at around 28%. This implies that the 5 largest EU ports each hold a share lower than 6% each on average.
- The share held by the 10 largest EU ports has similarly been stable. These ports have jointly handled a share of around 37% over the period. This corresponds to an average share of 3.7% per individual top 10 EU port, or an average share of less than 2% for ports ranked 6th to 10th.[16]

Figure 10: Volume share held by the largest port; the largest 5 ports and the largest 10 ports, plus volume HHI across all EU ports - 2008-2021



Source: *Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go&display=list&sort=category*

Notes: *These results are based on Eurostat data for the total (i.e., combination of inwards and outwards freight) gross weight transported to/from main ports in each EU member state, in thousands of metric tons. Eurostat does not have data available for Austria, Czechia, Hungary, Luxembourg or Slovakia. In total, these data relate to 302 ports in 2008 and 326 ports in 2021.*

47 In short, a range of metrics all indicate that there has not been any significant consolidation of cargoes across EU ports since the CBER was first implemented. As noted above, this would be a necessary feature for the theory set out in Section 2 to be plausible, i.e., because such consolidation must have occurred if, controlling for overall demand, there were to have been a greater burden placed on other transport modes to take cargoes between major ports and shipments' points of origin/destination.

5.2 New services and port additions

48 To the extent that cargoes were being consolidated across a smaller number of major "hubs", one would also expect this to materialise in a decreasing number of different services operated by liners, and/or these services calling at a smaller number of different ports (i.e., to focus on

[16] With the top 5 ports handling 28% of all volumes, and the top 10 handling 37%, this means ports ranked 6th to 10th jointly handle 9% of volumes, i.e., 1.8% each on average.

these major “hubs”). However, to the contrary, carriers appear to have regularly introduced new services and improved existing ones by adding ports to their sailings.

49 This was illustrated in Table 9 of the RBB report dated 3 October 2022 (section 3.4, page 22). The table presented instances of new and improved services with additional port calls in European routes in 2021 and 2022, from both consortia and individual carriers. We have updated this exercise exhaustively for spring 2023 and provide the results in Table 1 and Table 2 below.

Table 1: New services between 29 March 2023 and 13 June 2023

Carriers	Service	Port rotation
Spliethoff	North Europe – USEC conro	Antwerp, Southampton or Bristol, Baltimore, Camden, Morehead City, Antwerp.
MSC	Far East – North Europe ‘Swan’	Qingdao, Ningbo, Yantian, Tanjung Pelepas, Antwerp, Gdynia, Gdansk, Klaipeda, King Abdullah Port, Singapore, Qingdao.
Unimed	Greece Turkey shuttle	Piraeus, Istanbul (Haydarpasa), Gebze, Gemlik, Piraeus.
X-Press	Greece – Libya shuttle ‘LBX’	Piraeus, Misurata, Piraeus.
Medkon Lines	Bulgaria – Romania shuttle ‘BRO’	Istanbul (Ambarli), Gebze, Varna, Constanta, Istanbul (Ambarli).
Global Feeder Shipping (GFS)	Spain – Portugal – Morocco (‘SPM’)	Valencia, Barcelona, Casablanca, Algeciras, Tanger Med, Leixoes, Vigo, Lisbon, Tanger Med, Algeciras, Casablanca, Valencia.
Unifeeder	Intra Baltic Service	Klaipeda, Gdynia, Szczecin, Helsingborg, Aarhus, Klaipeda.
Ellerman City Liners	Poland – UK service (‘Poland to UK Express’)	Gdynia, Teesport, Tilbury, Gdynia.

Source: *Alphaliner Newsletter no 14 – 2023: 29.03.2023 to 04.04.2023*
Alphaliner Newsletter no 15 – 2023: 05.04.2023 to 11.04.2023
Alphaliner Newsletter no 16 – 2023: 12.04.2023 to 18.04.2023
Alphaliner Newsletter no 17 – 2023: 19.04.2023 to 25.04.2023
Alphaliner Newsletter no 18 – 2023: 26.04.2023 to 02.05.2023
Alphaliner Newsletter no 19 – 2023: 03.05.2023 to 09.05.2023
Alphaliner Newsletter no 20 – 2023: 10.05.2023 to 16.05.2023
Alphaliner Newsletter no 21 – 2023: 17.05.2023 to 23.05.2023
Alphaliner Newsletter no 22 – 2023: 24.05.2023 to 30.05.2023
Alphaliner Newsletter no 23 – 2023: 31.05.2023 to 06.06.2023
Alphaliner Newsletter no 24 – 2023: 07.06.2023 to 13.06.2023

Table 2: New port destinations added to services between 29 March 2023 and 13 June 2023

Carriers	Port destinations added	Service
Hapag-Lloyd	St John (Canada)*	North Europe – ECNA – WCNA 'AL5'
ONE	Aalborg (Denmark),Halmstad (Sweden)	'Swedish Danish Service'
ZIM	Thessaloniki (Greece)	'Levant Black Sea Express'
ONE	Gdynia (Poland)	North Europe – Iberia 'IBC' loop
Containerships	Algeciras (Spain) and Bordeaux-Bassens (France)	NWC – UK – Iberia 'PGEC'
Diamond Lines	Vado Ligure (Italy), La Spezia (Italy)	'PNX' Greece – Italy – Turkey
2M	Antwerp (Belgium)**	'AE6 / Lion' Far East – Europe
CMA CGM	Dunkirk (France)	North Europe ISC 'EPIC'
Hapag-Lloyd	Manazanillo (Panama)*	Med – NCSA – WCSA 'MSW' loop
EMES and Evergreen	Valencia (Spain), Casablanca (Morocco)	Greece – North Africa – Spain (EMES: 'NAX', Evergreen: 'NAFR')
THE Alliance	Ningbo (China), Algeciras (Spain), Singapore (Singapore)*, Kaohsiung (Taiwan)*	Far East – North Europe 'FE3'
CMA CGM and Marfret	Zeebrugge (Belgium)***	North Europe – US East Coast – South Pacific – Australia / New Zealand (CMA CGM: Panama Direct Line 'PAD', Marfret: 'NASP')
Maersk	Port Elizabeth (South Africa)***	West Africa relay services - WAF 1 (Guinea Gulf + Angola)
MSC and CMA CGM	Ennore (India)	Europe-Mascareignes-Australia-Singapore-Colombo service (Australia Express / NEMO)
X-Press	Gdansk (Poland), Gdynia (Poland)	Intra Baltic X-Press ('IBX')

Source: *Alphaliner Newsletter no 14 – 2023: 29.03.2023 to 04.04.2023*
Alphaliner Newsletter no 15 – 2023: 05.04.2023 to 11.04.2023
Alphaliner Newsletter no 16 – 2023: 12.04.2023 to 18.04.2023
Alphaliner Newsletter no 17 – 2023: 19.04.2023 to 25.04.2023
Alphaliner Newsletter no 18 – 2023: 26.04.2023 to 02.05.2023
Alphaliner Newsletter no 19 – 2023: 03.05.2023 to 09.05.2023
Alphaliner Newsletter no 20 – 2023: 10.05.2023 to 16.05.2023
Alphaliner Newsletter no 21 – 2023: 17.05.2023 to 23.05.2023
Alphaliner Newsletter no 22 – 2023: 24.05.2023 to 30.05.2023
Alphaliner Newsletter no 23 – 2023: 31.05.2023 to 06.06.2023
Alphaliner Newsletter no 24 – 2023: 07.06.2023 to 13.06.2023

Notes: *The table does not include port additions which were added at the expense of other ports.*
** Added on only one leg of the journey (e.g., as a call on the eastbound leg).*
*** Added as the discharge and loading call.*
**** Seasonal call for fruit export.*

50 The tables show that, in less than three months, 8 new services were introduced on European routes, and 11 carriers included 15 additional EU port calls to their sailings. In contrast, only one service was discontinued, without the ports it served being instead included in other

services to maintain the connections.[17] Moreover, only 6 out of the 23 additional port calls in Table 2 are in one of the 50 largest ports in the world, with THE Alliance adding 4 of these large ports to one of its services.[18]

51 Thus, it appears clear that carriers are improving their services on various trade routes, and not only adding volumes to their existing services between the port "hubs" as suggested. Further, these additions clearly show that carriers are expanding their reach further than just the largest ports and continue to serve smaller ports as well.

52 The addition of new services and the inclusion of additional (smaller) ports on existing services over a prolonged period is evidently not consistent with the notion of consolidation of cargoes amongst a smaller number of ports.

5.3 Port connectivity

53 Finally, whether cargoes are being consolidated across fewer port "hubs" can be assessed using connectivity indices, such as the UNCTAD port liner shipping connectivity index ("PLSCI"). This index reflects each port's connectivity, based on scores for the following components for each port:[19]

1. the number of scheduled ship calls per week in the port;
2. deployed annual capacity in TEU;
3. the number or regular liner shipping services from and to the port;
4. the number of liner shipping companies that provide services from and to the port;
5. the average size (in TEU) of the ships deployed by the scheduled service with the largest average vessel size; and
6. the number of other ports that are connected to the port through direct liner shipping services.[20]

54 If the theory set out in Section 2 were correct, one would expect the following in respect of the connectivity of individual ports:

- For the major "hubs", the score of components 1 through 5 would increase with cargo consolidation, while the last component could potentially see its value decrease. Whether the PLSCI increases overall will depend upon the extent of these changes and the relative weightings of each component, and the net effect is therefore not possible to determine *a priori*.

---

17 Kalypso's Med – USEC service 'Cristoforo Colombo' was closed. Additionally, there were seven service updates which included the closure of a service which was compensated by either new services or port additions to other services. This type of reshuffling is not included in Table 1 and Table 2.

18 See https://www.worldshipping.org/top-50-ports for a list of the 50 biggest container ports in the world. Only Algeciras (Spain), Antwerp (Belgium), Ningbo (China), Singapore (Singapore), and Kaohsiung (Taiwan) in Table 2 appear on the top 50 largest ports list.

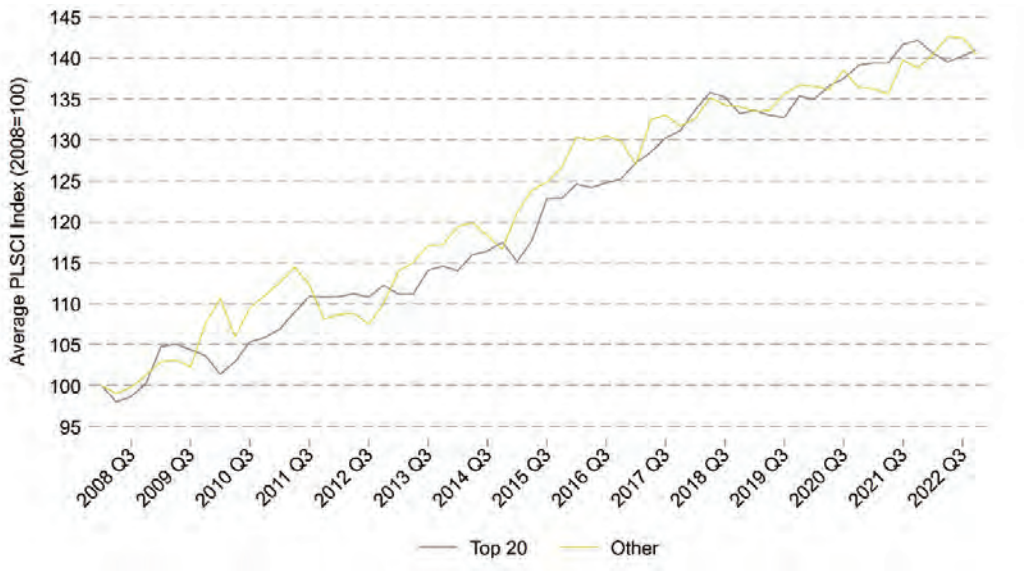
19 PLSC indices are expressed in terms that are relative to a benchmark value set as the score for the best-connected port, namely China, Hong Kong SAR, as of 2006T1, which is assigned a 100 PLSCI.

20 A direct service is defined as a regular service between two ports; and may include other stops in between, but not where the container requires trans-shipment. See https://unctadstat.unctad.org/wds/TableViewer/tableView.aspx?ReportId=170026

- For the other smaller ports, the PLSCI would decrease, as these "non-hub" ports would be connected to fewer other ports, served by fewer regular services from a smaller number of carriers with smaller vessels, and a smaller deployed capacity.

55 We therefore focus on whether the PLSCI has fallen in practice for smaller ports. In this regard, Figure 11 below presents the average PLSCI for the 20 largest EU ports by handled tonnage, as well as the average PLSCI for all remaining other ports in the EU, over the period 2008 to 2022, indexed at their 2008Q1 values.[21] The figure shows that the index for the latter group of ports increased consistently over the period, and did so at a broadly similar rate as the index for the largest 20 ports. Both average PLSCIs have increased by around 40% between 2008 and 2022.

Figure 11: Index of average PLSCI for top 20 EU ports versus all other ports in the EU, 2008-2022



Source: *UNCTAD. See https://unctadstat.unctad.org/wds/TableViewer/tableView.aspx?ReportId=170026*
Eurostat. See https://ec.europa.eu/eurostat/databrowser/explore/all/transp?lang=en&subtheme=mar.mar_go&display=list&sort=category

Notes: *The top 20 EU ports are based on total gross weight handled by these ports in thousand metric tons from 2008 to 2021. These are Rotterdam, Antwerp, Hamburg, Amsterdam, Marseille, Algeciras, Le Havre, Valencia, Bremerhaven, Trieste, Genoa, Barcelona, Gothenburg, Dunkirk, Constanta, Piraeus, Sines, Klaipeda, Riga and Tarragona.*

56 The increase in the PLSC indices of small ports is simply at odds with the narrative of services focusing on fewer major "hubs" and moving away from other smaller ports.

[21] The use of indices allows for a better visualisation of the trends, which is relevant here since the parameter of interest pertains to the evolution of each of these connectivity indices, and not their absolute values or how they compare to one another.

PHYSICIANS FOR SOCIAL RESPONSIBILITY
SAN FRANCISCO BAY CHAPTER

December 16, 2023

Re: Oakland Port DEIR Letter: San Francisco Bay PSR

San Francisco Bay Area Physicians for Social Responsibility finds this Port of Oakland Draft Environmental Impact Report inadequate because it does not fully address the current health consequences and potential future health consequences of the proposed expansion to accommodate large cargo ships. PSR-1

Foremost, this Draft EIR does not sufficiently address the current truck and rail traffic burden nor the potential increase of this traffic in and out of the Port through the adjacent West Oakland community. PSR-2 In addition to the current air pollution from traffic related to the Port, the Report neglects the potential increased air pollution from the proposed expansion. PSR-3

West Oakland already suffers disproportionate and excessive fossil fuel emissions and is one of the most pollution-burdened locations in California[1], with elevated levels of diesel particulate matter, fine particulate matter (PM2.5), and toxic air contaminants due to the activity within, and truck and train transportation in and out of the port. The health associations with PM2.5 and diesel emissions are well known and include increased asthma[2], chronic lung disease[3], lung cancer[4,5], heart attack and stroke[6], cognitive decline[7], premature deliveries[8] and low birth weights[9], and developmental delay[10] and autism spectrum disorder[11]. PSR-4

West Oakland residents are 99% more likely to have asthma and 96% more likely to be born with low birth weight compared to other people in the state.[12] Half of new childhood asthma cases in West Oakland—a community that is 70% people of color—are due to traffic-related air pollution, compared to about 20% of new childhood asthma cases in the nearby more affluent communities.[13]

---

[1] CARB California Air Protection Program Communities , Cal. Health & Safety Code, § 44391.2(c)
[2] The Links Between Air Pollution and Childhood Asthma, US EPA
[3] Wang Q, Liu S. 2023. The Effects and Pathogenesis of PM2.5 and Its Components on Chronic Obstructive Pulmonary Disease. *Int J Chorn Obstruct Pulmon Dis*
[4] West Oakland Community Action Plan, Owning Our Air, BAAQMD and West Oakland Environmental Indicators Project (Figure 5-4)
[5] Summary: Diesel Particulate Matter Health Impacts, CARB
[6] Air Pollution and Cardiovascular Disease Basics, US EPA
[7] Abolhasani E, et al. 2023. Air Pollution and Incidence of Dementia. *Neurology*
[8] Costello JM, et al. 2022. Residential particulate matter, proximity to major roads, traffic density and traffic volume as risk factors for preterm birth in California. *Paediatr Perinat Epidemiol*
[9] Lee J, et al. 2022. The Association between Ambient PM2.5 and Low Birth Weight in California. *Int J Environ Res Public Health*
[10] Ha S. 2020. Air pollution and neurological development in children. Developmental Medicine & Child Neurology
[11] Cheng-Kuan, et al. 2021. Association between exposure to ambient particulate matters and risks of autism spectrum disorder in children: a systematic review and exposure-response meta-analysis, *Env Res Letter*
[12] CalEnviroScreen data, cited in Rob Bonta Attorney General letter to the Army Corps of Engineers May 2022 (page 3)
[13] Environmental Defense Fund analysis using local health and hyperlocal air data, March 31, 2021

While the Oakland Port has electrified some equipment, it has fallen behind other California ports that have executed more ambitious electrification goals. Much of the port equipment, trains and most drayage trucks are still diesel. Moving too slowly on electrification, while simultaneously expanding Port operations, would push greater health and environmental impacts onto the shoulders of the already overburdened frontline West Oakland community. PSR-5

In conclusion, this Draft EIR is deficient in addressing the current health consequences of Port operations and potential future consequences from the proposed expansion. This report needs to be amended to describe the full range of current sources of air pollution related to the Port, the potential increase in air pollution burden to the West Oakland community and surrounding communities, and the substantial potential health consequences. PSR-6

Sincerely,

Robert M. Gould, MD
President
San Francisco Bay Physicians for Social Responsibility

From:	Amanda Bloom, (amandabloo@gmail.com) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Thursday, December 7, 2023 5:52:30 PM

This Message Is From an Untrusted Sender
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Report Suspicious

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources. (Disclaimer posted by PortIT71394.)

Dear Attn: Ms. Khamly Chuop,

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. ABl-1 ABI-2 ABI-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. ABI-4

Sincerely,

Amanda Bloom,
3124 International Blvd
Oakland, CA 94601
amandabloo@gmail.com
(415) 660-2700

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Friday, December 15, 2023 1:03 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Alexis Frasz

Email: alexis.frasz@gmail.com

Message Body:

I am a local Oakland resident and am against expanding the port to allow larger ships, until and unless the full lifecycle emissions and environmental and social impact is reconsidered and the community is consulted. West Oakland already has poor air and soil quality that impacts people's health. Further sacrificing the people of our city so that we can import more stuff, more quickly is going in exactly the wrong direction. AFr-1

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 1:15 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Ann Harvey Ann Harvey

Email: 312annh@gmail.com

Message Body:

As an Oakland resident and retired family doctor, I am concerned about what I believe are serious shortcomings of the DEIR concerning foreseeable increases in emissions of both toxic air pollutants and greenhouse gasses during the operational phase of the turning basin widening project in conjunction with expansions of landside Port capacity. I believe the DEIR must be redone and resubmitted to the public for comment after correcting these deficiencies. AHa-1

Scientists confirm year by year an increased proportion of illnesses, disabilities, and deaths that are attributable to air pollutants including NOX and PM2.5. Diesel emissions are , and particularly noxious.

The East Bay, and the Central Valley which receives air pollutants from the Bay Area, are some of the most heavily polluted areas of the country and are frequently out of compliance with current, frankly outdated, federal standards. West Oakland and the I-80 corridor are particularly impacted, and are not incidentally home to high proportions of low income and POC communities who are at particular risk of adverse health outcomes due to air pollutant exposure. AHa-2

Because the widening of the turning basins will accommodate frequent visitation by ULCVs, concurrent with landside projects to allow efficient ULCV unloading and overall expansion of throughput, the DEIR must provide the public and decision makers information about possible operational phase increases in emissions of toxic air pollutants and greenhouse gas emissions, as they affect West Oakland, the I-80 corridor, the East Bay, and the Central Valley, and must discuss how alternative projects (including none) and good faith mitigation measures would affect those foreseeable emissions. The increased emissions to be included should include at least those from: ships idling out of range of shore power while backed up behind ULCV's; trucks idling idling within the port awaiting loading, exit, and any inspections or other processing; trucks leaving the Port; trucks AND OTHER VEHICLES impacted by increased congestion on city streets and freeways due to surges in truck traffic leaving the Port; and diesel train locomotives. AHa-3

Sincerely,
Ann Harvey, MD
Oakland, CA

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Saturday, November 4, 2023 7:57 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Alan Tubbs

Email: artubbs@comcast.net

Message Body:

The EIR looks complete and this project is worthy. For once we are adding more water to the bay instead of filling it in, so that is a plus. Larger turning basins means the ships will be idling for less time as they have to spend a lot of effort to turn the ship around and that causes more pollution. This widening will reduce that. As for the construction noise, we hear the port operators drop containers all the time, 24 hours a day so dredging and such will likely be silent to the residents of Alameda. Seems like 3 years is excessive to do this. I completely endorse this plan going forward and recommend that this is approved, passed and implemented quickly before we lose all our business to another port that is easier. Thanks! ATu-1

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From: Oakland Seaport
To: turningbasins@portoakland.com
Subject: Turning Basins Project Comment Form Submit
Date: Tuesday, December 19, 2023 9:56:41 AM

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From: Bruce Bennett

Email: bruce.bennett23@gmail.com

Message Body:

Please do widen the turning basin. You are not affecting any other businesses and you will increase your own business and producing tax revenue for the city. BBe-1

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Tuesday, October 10, 2023 11:04 AM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

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(Disclaimer posted by PortIT71394.)

From: Charles Bret
Email: SFCzech4@yahoo.com

Message Body:
Concerns are 1. stirring up the very contaminated sediment in the bottom of the Bay, like asbestos, you leave it alone its dormant, you stir it up we all have a problem. How is that going to be handled? 2. Is there even a need for this? More trucks waiting in line, more coal coming in. 3. Can we trust these people? The Army Corp of Engineers has an appalling track record, see the mess around New Orleans, both before and after the floods, the Sacramento River levees, etc. What we have works OK, more is seldom better. Let Southern California "benefit" from increased traffic and polution.

CBr-1
CBr-2
CBr-3

--
This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	Carol Hirth (chirth@mac.com) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Thursday, December 7, 2023 2:50:07 PM

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The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources. (Disclaimer posted by PortIT71394.)

Dear Attn: Ms. Khamly Chuop,

The Port of Oakland is already contributing way too much pollution; megaships will make it worse. CHi-1

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. CHi-2 Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. CHi-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. CHi-4

Sincerely,

Carol Hirth
1309 Cornell Ave
Berkeley, CA 94702
chirth@mac.com
(510) 524-9064

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Note: To the extent feasible, this written comment submission was transcribed and the comments are presented following the scanned image of the received submission.

Three weeks later, on April 3, Harris and his

"That could be because he himself underwent a trau-

have an sort."

Try it. Love it. Bay Area News Group

BAY AREA NEWS GP. 10/3/2023 B-2

PORT OF OAKLAND

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC MEETINGS FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT

Project Description: To improve the efficiency of vessels entering and exiting the Oakland Harbor, the Port of Oakland (Port), in partnership with the U.S. Army Corps of Engineers, is proposing the Oakland Harbor Turning Basins Widening Project (Proposed Project) to increase the width of the existing turning basins to accommodate a vessel with a length of 1,310 feet. The Proposed Project is designed to improve vessel transit conditions and navigational safety.

Environmental Review: The Port, as the Lead Agency, has prepared a Draft Environmental Impact Report (EIR) to evaluate the potential environmental impacts associated with the Proposed Project in accordance with the California Environmental Quality Act (CEQA).

The Port is making the Draft EIR available for public review and comment for a minimum of 45 days. Comments on the Draft EIR must be received by 5:00 PM on November 17, 2023, via an online form at www.portofoakland.com/turningbasins, via email to Turningbasins@portoakland.com, or via mail to Port of Oakland, Environmental Programs and Planning Division, Ms. Khamly Chuop, 530 Water Street, Oakland, CA 94607.

11/5/2023

Dear Ms. Chuop: SEE & FIND my comments & CORRECTIONS & or/THING I TAKE ISSUE WITH:

Item 1. I am FOR the/THIS PROJECT & IT IS NEEDED PER THE/YOUR STATEMENTS & ISSUES.

ITEM 2. CORRECTIONS & ISSUES WITH IN Vol 1 in the ES-3 PER the Aberveration TEU I DO NOT THINK IT IS CORRECT AS STATED IN VOL 1 I DO FEEL IT SHOULD SAY FOR TEU- Transportation EQUIPMENT UNITS TO INCLUDE 40' Containers & 20' CONTAINERS. (you can wordsmith to say % read "mostly 20' & 40' containers) I do not KNOW NOW IF THERE ARE 53' CONTAINERS ON THE SHIPS AS PER 53' Containers on TRACTOR TRL. TRUCKS & U.S. RAIL CARS SYSTEMS.

I do think you did lv. out the letter "C" which would satan for Centigrade or Celsius, I let you fig. it out with you brainy people.

As per during const, as many as 3 to 90 NEW employees would be on the job site working. RIGHT NOW AS YOU NOW KOW THERE IS REALY NO PUBLIC TRANSPORTATI FOR THE EMPLOYEES TO INCLUE clerical staff & MGMT. TO GET TO THE JOB SITES & YOU DID REF. A/C TRANSIT RT 12 & other RTS BUT THE OTHER RTS. & A/C Transit RT 12 is NOT REALS ACCESSABLE TO WALK

NOTE: A FORMER TRUNKLINE ETS, 82 & 83 L
THAT RAN FROM HAY, BRT STA TO N.S.C.
24/7 BUT AT DIFFERENT TIMES THAN

nearly ONE MILE AWAY IN BAD & Changling NEIGHBORHOODS OF Oakland, Ca. in the early A.M. & P.M. Hrs!!! TRUE THE NEW EMPLOYEES ON THE TROJECT COULD USE CAR POOLING FROM THE LAST STOP CLOSEST TO THE PROJECTS SITE & THEN CAR POOL IT TO (ON THE NEXT CAR POOLING CAR THAT COMES ALONG ECT.ECT. YOU COULD HAVE SAID & MENTIONED BART AT THE WEST OAKLAND BART STA. & THEN CAR POOLING IT IN OR SAY & INCLUDE A/C Transit BR 14, VTSM RT 14 TO 14St. & Peralta Sts. & The Transbay RT NL at Peralta & Grand Ave. in Oakland, Ca. NOTE: If the bus Driver fails to stop for any REASON/S THE BUS IS GOING TO San Francisco, Ca. (Trans Bay Tml.) Going To WORK, GETTING BACK & Going HOME IF THE BUS MISSES ANY STOP & OR IS IN THE WRONG LANE OF TRAFFIC FOR WHAT EVER REASON/S THE NEW EMPLOYEE IS STUCK & SCRED THERE!!! YOU CAN & COULD STRESS THE NEW EMPLOYEES TAKE PUBLIC TRANSIT TO RELIEVE ALA, CA. & OAKLAND, Ca. ROAD TRAFFIC CONGESTION & CONDITIONS!

& GIVE INCENTIVES REWARDS BTB 632 Term 3 yrs 8/1956-12/1982

I know NOW Where Depot Rd., Ca. & the layout of the former U.S. Navy Supply Center in relation to the project as it did bring back fond memories to me yrs. back: F.Y.I. I was Born in B'klyn. N.Y.C. N.Y. in Aug. 1944 in April a ship was built in Alameda, Ca. in April 1945 it was a U.S. Navy Troop ship Called the ADMIRAL Sims it did see action in WWII & was renamed the GENERAL DARBY in/&AFER WWII. I am telling you this I am "NOT" a Vietnam Veteran U.S. Army Transportation Corps 1966-1969. I did join the U.S. Army in 1966 & did grad H.S. In June 1962, & I did start work in July 1962 w/a Steam Ship Co. in Lower Manhatten at 90 Broad St. The Name of the Steam Ship co. its/was called States Marine-Isthiman Lines it was located at the corner of Broad St. & Stone St. (just down from the N.Y. Stock Exc. & the historic Fraunces Tavern where a Mr. George Washington & other Johns & "courised" in the 1770's then.) I did go to Vietnam on the General Darby in Dec. 30, 1966 from the old & FORMER Oakland Army Base (Main) it took about 3 Wks to cross the Pacific w/Storms & delays/& circling where to let other of the some 2,000 guys on the ship off-we'll off Id. at Qui Nohn, Vietnam, I & about some other 20/25 guys were sent there right out of U.S. Army Transportation School at Ft. Eustis, Va. my classification was then Freight Movement Spec. (71N20) There was no jobs for us & I went on only truck convoy-run, (liaisoning to the radio w/a Sgt. I was the driver & I only was issued five rounds off ammo the Reed was 15 to 20 Ft. tall & nothin happen after 15/20 min. & it was all over fro theday & the next day or two it & others was shipped out to Cam Ranh Bay & & I and a few other got sent to be assigned to the U.S. Air Force Air base it was very secure & I worked mostly 6 P.M. to 6 A.M. in 2 nd. bldg w/AIR COND & HEAT & ATE FOUR HOT MEAL A DAY 12 Midnight BREAKFAST at a 7/ a.m. again for Breakfast. After Vietnam I got assigned to the Post Transportation Office at Ft. Benning, Ga. I had acushy desk job & now extra duty & I was having a afair w/a Ga. Peach or a women at 22/23 yr. old! & I got out Hon. in Aug. 1969 after being asked to extend my time by 3 mo. to go back to M.S. for the Summer of 1969 for about 3 Mo. Which I did. I stayed in the fied of Traffic & Transportation in N.Y.C, N.Y & Phila. Pa. & here in Ca. I am now retiring some 19 Years &Living mostly as a 1%er.

P.S. I USE MY PHONE & PUBLIC TRANSIT & HAVE 24/7 ATM'S DOOR STOPS,

510-487 1797

U.T.I. Charlie Cameron
CHARLIE CAMERON
822 C St. #55
HAYWARD, CA.
94543

NOTE: AS A YOUNG VOLUNTEER, 3,14 ON MY 8-18 YOU HAVE A VOICE & OPINION & SHOULD BE HEARD & LISTENED TO & ACTED UPON. YOU KNOW YOU ARE 570-367-5631 & HAVING LIVED IN 13,000 SQ. MILES OF N.E. PA. FOR 18 YRS. & HAVING SPENT 6 MONTHS IN TEMPLE IN 1980's YOU KNOW YOU HAVE AN INTELLIGENT OPINION & SHOULD BE HEARD & LISTENED TO & ACTED UPON. YOU KNOW YOU ARE 570-367-5631 & HAVING LIVED IN 13,000 SQ. MILES OF N.E. PA. FOR 18 YRS. & HAVING SPENT 6 MONTHS IN TEMPLE IN 1980's YOU KNOW YOU HAVE AN INTELLIGENT OPINION & SHOULD BE HEARD & LISTENED TO & ACTED UPON. YOU KNOW YOU ARE 570-367-5631 & HAVING LIVED IN 13,000 SQ. MILES OF N.E. PA. FOR 18 YRS. & HAVING SPENT 6 MONTHS IN TEMPLE IN 1980's

MAYBE YOU CAN SEE ON A/C TRANSIT
PROPOSALS NOW IF THEY ARE PLANNING TO
PUT IN A BACK SERVICE TO MARITIME ST.
AS IT WAS THEN UNTIL OAK, CA
1980's W/ THE ACT IS THEN
???

P.S OH!
THEN IN
THE 1960's
STATES MARINE-
ISTHMIAN LINES
DID CALL ON
OAKLAND CA. I DID WORK ON THE BILLS OF LADING
& HAWAIIAN OUT BOUND FREIGHT SEE BEFORE JOINING THE
U.S. ARMY TRANSPORTATION CORPS 1966-69

SEE I

November 5, 2023

Dear Ms. Chuop: Pls. see and find my comments and CORRECTIONS and or/THINGS I TAKE ISSUE WITH:

CCa-1

Item 1. I am FOR/THIS PROJECT AND IT IS NEEDED PER YOUR STATEMENTS AND ISSUES.

Item 2. CORRECTIONS AND ISSUES.

In Volume I, in ES 3 PER the abbreviation of TEU. I DO NOT THINK THAT IS CORRECT AS STATED IN VOL 1. I DO FEEL IT SHOULD SAY FOR TEU—Transportation EQUIPMENT UNITS TO INCLUDE 40' Containers and 20' CONTAINERS. (you can wordsmith to say and read "mostly 20' and 40' containers). I do not KNOW NOW IF THERE ARE 53' CONTAINERS ON THE SHIPS AS PER 53' Containers on TRACTOR TRL, TRUCKS AND U.S. RAIL CAR SYSTEMS.

CCa-2

I do think you did lv. Out the letter "C" which would [stand] for Centegrade or Celsius. I let you fig it out with you brainy people.

As per during const, as many as 8 to 90 NEW employees would be on the job site working. RIGHT NOW AS YOU NOW KOW THERE IS REALY NO PUBLIC TRANSPORTATION FOR THE EMPLOYEES TO INCLUE clerical staff and MGMT. TO GET TO THE JOB SITES AND YOU DID REF. A/C TRANSIT RT 12 AND OTHER RTS., BUT THE OTHER RTS. & AC Transit RT 12 is NOT REALLY ACCESSIBLE TO WALK nearly ONE MILE AWAY IN BAD and Changling NEIGHBORHOODS OF Oakland, Ca. in the early A.M. and P.M Hrs!!! TRUE THE LAST STOP CLOSEST TO THE PROJECTS SITE AND THEN CAR POOL IT IN (ON THE NEXT CAR POOLING CAR THAT COMES ALONG ECT. ECT. YOU COULD HAVE SAID AND MENTIONED BART AT THE WEST OAKLAND BART STA. & THEN CAR POOLED IT IN OR SAY AND INCLUDE A/C TRANSIT RT 14, YEST RT 14 to 14st and Peralta Sts. and the Transbay RT NL at Peralta and Grand Ave. in Oakland, CA. NOTE: If the bus driver fails to stop for any REASON/S THE NOW EMPLOYEE IS STUCK AND SCRED THERE!!! YOU CAN AND COULD STRESS THE NEW EMPLOYEES TAKE PUBLIC TRANSIT TO RELIEVE ALA, CA AND OAKLAND, CA ROAD TRAFFIC CONGESTION AND CONDITIONS!

CCa-3

I know NOW where Berth 10, 26, and the layout of the former U.S. Navy Supply Center in relation to the project as it did bring back fond memories to me yrs. back: F.Y.I. I was born in B'klyn. N.Y.C. N.Y. in Aug. 1944 in April a ship was built in Alameda, Ca, in April 1945 it was a U.S. Navy Troop ship Called the Admiral Sims it did see action in WWII and was renamed the GENERAL DARBY in/and AFER WWII. I am telling you this I am NOW a Vietnam Veteran U.S. Army Transportation Corps 1966-1969. I did join the U.S. Army in 1966 and did grad H.S. In June 1962, and I did start work in July 1962 w/a Steam Ship Co. in Lower Manhattan at 90 Broad St. The Name of the Steam Ship Co. in Lower Manhattan at 90 Broad St. The Name of the Steam Ship co. is/was called States Marine Isthiman Lines it was located at the corner of Broad St. and Stone St. (just down from the NY Stock Exc. and the historical Franuces Taver where a Mr. George Washington and other drake and "courised" in the 1770's then.) I did go to Vietnam on the General Barby in Dec. 30, 1966 from the old and FORMER Oakland Army Base (then) it took about 3 Wks to cross the Pacific w/Stops and delays/and circling where to let other of the some 2,000 guys on the ship off-we off ld. at Qui Nohn, Vietnam, I and about some other 20/25 guys were sent there right out of U.S. Army Transportation School. at Ft Eustis, Va. my classification was then Freight Movement Spec. (71N20) There was no jobs for us and I went on only truck convoy run (listening to the radio w/a Sgt. I was the driver and I only was given five rounds of ammo the Reed was 15 to 20 feet tall and nothing happen after 15/20 min. and it was all over fro theday and the next day or two I and others was shipped

CCa-4

out to Cam Ranh Bay and I and a few other got sent to be assigned to the U.S. Air Force Air Base it was very secure and I worked mostly 6 P.M. to 6 A.M. in a sml bldg. w/ AIR COND AND HEAT AND ATE FOUR HOT MEAL A DAY 12 Midnight BREAKFAST at 7' AM again for Breakfast. After Vietnam, I got assigned to Post Transportation Office at Ft. Benning, Ga. I had acushy desk job and no extra duty and I was having a affair w/ a Ga. Peach or woman at 32/33 yr. old! & I got out Hon. In Aug. 1969 after being asked to extend my time by 3 mo. to go back to M.S. for the Summer of 1969 for about 3 mo. Which I did. I stayed in the fied of Traffic and Transportation in N.Y.C, N.Y. and Phila. Pa. & here in Ca. I am now retired some 19 years & living mostly as a 1%er.

CCa-4

Written on the second page at the top:

NOTE: A Former TAUNK LINE RTS, 82 AND 82L THAT RAN From HAY BAO STA TO N.S.C. 24/7 BUT AT DIFFERERENT, THAN A/2 T, RT 13 to N.S.C in 1980s. RTS 82 AND 82L WAS IN EARLY 1990'S

Written on the second page on the left:

NOTE: As pea In Vol II SECT. 3.14 on pg 8-18 404 is info from A/C Transit map an doverlays 6/19/2023 but are you now aware that A/C transit realigning and taking comments and sug. At 510-267-5631 is having workshops and final hearing on Dec 13, 2023 at 4 PM. Maybe you will get service on Maritime St. from W. Oak BART Sta as the former RT 13 did served the OAK Army Base and N.S.C. in the late 1980s.

CCa-5

Written on the second page on the bottom:

PS USE my PHONE 510-487-1797 U.T.P. Charlie Cameron, 822 2 St #55, Hayward, CA 94543

Written on the envelope:

Maybe you can see on A/C Transit proposal now of they are planning put back service to Maritime Street as was then on the Oak, Ca 1980's w/ the Rt. 13 then???

P.S. Oh! Then in the 1960s States Marine Isthimian Lines did call on Oakland, CA. I did work on the bills and lading sect of Hayward outbound frights sect before join the U.S. Army Transportation Corps 1966-69

CCa-6

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Sunday, December 17, 2023 1:21 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Christopher Kroll

Email: quercus40@gmail.com

Message Body:

No major port expansion should be allowed until the conversion of diesel trucks servicing the port to clean energy has been completed. I live near Interstate-80, a major freeway used by trucks coming to and leaving the Port of Oakland. We suffer very high asthma rates in West Berkeley due in part to the toxic chemicals emanating from the nearby freeway. This is true for all the communities which line the bay from Richmond to West Oakland and south. CKr-1

Port operations need to be cleaned up, including the truck infrastructure that serves the port, before any major expansion of operations is initiated.

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Sunday, December 17, 2023 7:38 AM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Christopher LIsh

Email: lishchris@yahoo.com

Message Body:

Sunday, December 17, 2023

Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: Please consider the community impacts of widening the Turning Basins in the Oakland Harbor — Oakland Harbor Turning Basins Widening Draft Environmental Impact Report

To Port of Oakland Board President Barbara Leslie and Board of Port Commissioners:

As a local resident, I am writing to express my continued concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already overburdened with air pollution and environmental injustice . Furthermore, dredging the bottom of the harbor could damage delicate and vital ecosystems, could harm endangered species, and worsen water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. CLi-1 CLi-2 CLi-3

I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. CLi-4

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
San Rafael, CA

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

RE: TURNING BASINS WIDENING Project FOR OAKLAND HARBOR

FROM: Kevin + Cynthia Kim
Dianne Jonstad
2111-A San Antonio Ave,
Alameda, Calif. 94501

(1) To: Port of Oakland,
Environmental Prog+Plan. Dir.
Ms. Khamly Chuop,
530 Water St.
Oakland, Calif. 94607

Oct. 23, 2023

Here's what we think of your proposal:

No! No! No!

The body of water called the estuary is the only scenic beauty on the island. Such a project would be UGLY, and contaminate the fragile ecology. The noise would be unbearable.

KKi-1

KKi-2

KKi-3

(2)

Every contractor is trying to close up our limited open space. KKi-4

Why are turning basins an issue at this time? We know there is a proposal to build a bridge from Oakland to Alameda. This dredging would ~~facilitate~~ facilitate that bridge. Also, KKi-5

there is approval to build a cement factory in Alameda, nearby the estuary. We say to all of these proposals: No! KKi-6

We once had a beautiful bay that came right up to the shoreline. Contractors filled in the bay and put commercial buildings on the land fill which was mostly of sand. The estuary was a sad re-placement for the beautiful bay, which had a commercial shipping company. It was called Alaska-Pacific Shipping Line. The landowners who bought property with a scenic view of the bay were sadly

disappointed when the contractors closed off their view.

KKi-7

So much has been destroyed. Let's have no more of it!

Sincerely,

Dianne Jonstad

Kevin Kihn

Cynthia Kihn

P.S. The Port of Oakland and U.S. ARMY Corps of Engineers mean Federal money is involved. It sounds like a big payola for the bureaucrats.

KKi-8

From: Oakland Seaport
To: turningbasins@portoakland.com
Subject: Turning Basins Project Comment Form Submit
Date: Monday, November 13, 2023 8:43:18 AM

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Report Suspicious

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: David Pedersen

Email: djtpedersen@gmail.com

Message Body:

Dear Port of Oakland:

As a Canadian clean-air activist and ad-hoc member of the Bay Area Clean Air Coalition, I am writing to you to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbour. Inviting more vessels into Oakland will have a detrimental effect on the Bay Area airshed by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighbouring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of colour in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. DPe-1 DPe-2 DPe-3

I respectfully urge you to redo the analysis and recirculate a new Draft Environmental Impact Report (DEIR) that fully considers the negative impacts of this proposed expansion on the Bay Area and the health and well-being of West Oakland residents. DPe-4

Thank you for your time and consideration.

Regards,

David Pedersen

Saanichton, British Columbia
Canada V8M 1W6

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 4:57 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Eric James Pederson Eric James Pederson

Email: eric.pederson@gmail.com

Message Body:

I oppose any development of the Inner Harbor, including widening the inner harbor turning basin, which further industrializes the area. EPe-1

Ultimately, the purpose of bringing in bigger ships is to allow more freight to be offloaded and transported. Both the larger ships, and the additional freight they will bring, will further make the Oakland waterfront the "wrong side of the tracks" in a town which is already under such pressure to rise to a higher standard. It will increase the Oakland blight. EPe-2

All increases in shipping should be restricted to the SF Bay and outer harbor.

Sincerely,

Eric Pederson

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	Ernie Walters (ernwalt@aol.com) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Friday, December 8, 2023 12:56:06 PM

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Dear Attn: Ms. Khamly Chuop,

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. EWa-1 EWa-2 EWa-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. EWa-4

Sincerely,

Ernie Walters
2437 Tartarian Way
Union City, CA 94587
ernwalt@aol.com
(510) 579-2851

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Thursday, October 5, 2023 8:36 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

The sender of this message is external to the Port of Oakland. Do not open links or attachments from untrusted sources. (Disclaimer posted by PortIT71394.)

From: Gina Miller
Email: lindajeanmiller@comcast.net

Message Body:
Thank you for the information about the EIR. I live in Alameda. I read the executive summary of the EIR, and my major concern is the 23 trucks per hour in Alameda. Have you considered the possibility of adding a new bridge at that end of the island? I feel particularly concerned about that many trucks going through the tunnel. Thank you for your consideration. GMi-1
Gina Miller

--
This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	Greg Thomson (gregothomson@mac.com) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Thursday, December 7, 2023 3:06:10 PM

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Dear Attn: Ms. Khamly Chuop,

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. GTh-1 GTh-2 GTh-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. GTh-4

Sincerely,

Greg Thomson
76 Crescent Ave
Sausalito, CA 94965
gregothomson@mac.com
(415) 845-3872

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 1:56 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: John Alfonso

Email: jalfonsojr@sbcglobal.net

Message Body:

The expansion of the turning basins at the Port of Oakland is essential not only to the economy of the city of Oakland but to the entire Bay Area. It's the right thing to do and the right time to do it. JAl-1

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 4:38 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Janet Johnson

Email: sunflowerjsj@gmail.com

Message Body:

I live less than ten miles from the Port of Oakland, and I'm writing to express deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. In addition to the added pollution this project will inflict on some of our most vulnerable residents, the Port also needs to address the the lack of opportunities for public engagement on this issue. JJo-1

Bringing more megaships into Oakland will have injurious effects on our region: (1) by worsening air pollution, and (2) by increasing truck traffic. Such impacts will negatively affect the health and well-being of West Oakland residents and even those in communities like mine who are impacted by freeway pollution and noise. Residents of West Oakland, a historically under-resourced community, have for years suffered disproportionately from the adverse health impacts of pollution from ocean-going vessels and truck traffic: asthma and other lung conditions, low birth-weight babies, heart disease, and cancer, to name just a few. JJo-2 JJo-3

Moreover, dredging necessary for the proposed expansion will harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the fragile ecosystems and the overall health of the Bay. JJo-4

I join with others in the SF Bay community and Earthjustice: it's time to revise the analysis and recirculate a new Draft Environmental Impact Report that will thoroughly weigh the negative consequences that this proposed expansion will inflict on the health and well-being of West Oakland residents, our region, and SF Bay. JJo-5

Thank you for your consideration.

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From: Oakland Seaport
To: turningbasins@portoakland.com
Subject: Turning Basins Project Comment Form Submit
Date: Friday, December 15, 2023 2:35:02 PM

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The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Jessica Mitchell

Email: mitchelljessica016@gmail.com

Message Body:

I'm an Oakland resident requesting additional environmental review of this project. On top of impacts to the Bay through dredging, more turning basins means more cargo coming through our port and more truck and rail traffic. This impact report does not address the impacts of that traffic on our air quality. I urge you to complete another, more thorough review. JMi-1

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: John ODA <jandjoda@aol.com>
Sent: Sunday, November 12, 2023 12:30 AM
To: Turning Basins
Subject: [EXTERNAL] Electrify the Port of Oakland

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

My name is John Oda I am a nurse. The Port of Oakland should electrify all of its equipment before planning on any expansions of its operations. The port has not considered the health impact of this project on overburdened neighboring communities. West Oakland, the neighborhood closest to the Port, is one of the most overburdened communities in California and has been shaped by redlining practices and disinvestment by the state and local governments. West Oakland has higher rates of asthma, cardiovascular disease, premature death, and other poor health outcomes related to air pollution than other parts of Alameda County and the region. The port should not invest in projects that increase air pollution particularly in West Oakland and other overburdened communities. It's time for the Port to put an end to environmental racism and prioritize public health"

JOd-1

JOD-2

Thank you, John Oda

Khamly Chuop

From: Jason <collectivesole@aol.com>
Sent: Thursday, November 9, 2023 10:09 PM
To: Turning Basins
Subject: [EXTERNAL] Ban Neighborhood Oil Drilling

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

My name is Jason. I am a health and equality advocate. The Port of Oakland should electrify all of its equipment before planning on any expansions of its operations. The port has not considered the health impact of this project on overburdened neighboring communities. West Oakland, the neighborhood closest to the Port, is one of the most overburdened communities in California and has been shaped by redlining practices and disinvestment by the state and local governments. West Oakland has higher rates of asthma, cardiovascular disease, premature death, and other poor health outcomes related to air pollution than other parts of Alameda County and the region. The port should not invest in projects that increase air pollution particularly in West Oakland and other overburdened communities. It's time for the Port to put an end to environmental racism and prioritize public health. Ja-1 Ja-2

Thank you!

From: Oakland Seaport
To: turningbasins@portoakland.com
Subject: Turning Basins Project Comment Form Submit
Date: Friday, December 15, 2023 6:46:39 PM

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Report Suspicious

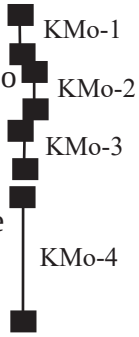
The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Kat Moynahan

Email: katmoynahan@gmail.com

Message Body:

I am concerned about the environmental impact of dredging the bay, displacing and killing animals, and destroying natural feeding habitat for many aviary and aquatic animals. I am also concerned about the increased air pollution and traffic. We see a lot of trash in the neighborhood from truck drivers – many plastic bottles of urine are discarded on our streets already. I don't know how this will benefit the neighboring community, this kind of development may drop property value, and create more industrial impact where we should be reclaiming the shore to improve quality of life for all beings in West Oakland. Looks like we are a thoroughfare for benefit elsewhere. I would want to see a community impact report, as well as alternative plans to revitalize the bay.



Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

December 7, 2023

Via Electronic Email to:
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 Basin Widening Project (Project).

My name is Lauren Eisele, I am a City of Alameda resident, former Port of Oakland Environmental Planner, and I run a Bay/Estuary based maritime business. I am writing you to express my substantial concerns regarding the potential environmental impacts of the project on my neighborhood. LEi-1

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 will eliminate or impact residential, maritime, and commercial land uses and result in significant seismic shoreline hazards, air quality, noise, and transportation impacts.

Here are my substantive comments:

The purpose and need for the project do not justify the significant and unavoidable transportation, noise, geotechnical and air quality Impacts in Alameda. The Port has been operating at below operating capacity for years, and the justification for the expansion of the Turning Basin to improve maritime commerce is unjustified, in light of these potential significant and severe impacts. LEi-2

The DEIR analysis provides inadequate mitigation for the Project's significant and unavoidable transportation, noise, geotechnical and air quality impacts in Alameda. LEi-3

Almost half of the project area occurs in Alameda, in close proximity to residential and sensitive (schools, senior centers) land uses. Construction will involve large amounts of truck traffic, pile driving, dredging and earth moving in the vicinity of these receptors over a very long 2 year construction period. LEi-4

<u>Transportation Impacts</u>

The DEIR estimates that there will be 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. LEi-5

The Posey tube and the Park Street Bridge are very constrained and often operates below acceptable Level of Service levels, and this increase in truck and construction vehicle traffic will exacerbate congestion and the associated hazards.

Neither the Posey Tube nor the Park Street Bridge are designed for heavy truck traffic, and this significant increase in truck traffic may have fatal consequences to other drivers and pedestrians and bicyclists going through these routes.

Residents and students commuting to local schools and Alameda College will interface with trucks on Ralph Appezzato Memorial Parkway, and increase the potential for truck/victim collisions. LEi-5

The intersection of Main Street and Ralph Appezzato Memorial Parkway is not designed for heavy trucks or equipment.

The DEIR must be revised to consider these additional safety impacts.

The DEIR should include a mitigation measure that requires implementation of a traffic control plan that shall be submitted to the City of Alameda for review and approval before issuance of any permits for 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 Impacts

The DEIR concludes that construction noise will be significant and unavoidable. Truck movements, pile driving, excavation, dredging, and demolition activities will occur 24 hours a day, 7 days a week, for 2 years. 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 Estuary Park and Alameda Landing Waterfront Park. Construction vehicles and equipment will travel through quiet residential areas. LEi-6

The DEIR doesn't adequately mitigate these significant enduring noise impacts and must therefore be revised to include additional meaningful mitigations to offset the significant unavoidable construction noise impacts to Alamedans.

In addition to requiring noise dampers and mitigation measures on vehicles and equipment during construction, the DEIR should include comprehensive noise monitoring requirements that are closely tied to enforcement strategies that ensure compliance with Alameda Noise Ordinance.

The Port should retain a qualified acoustical consultant to create a Construction Noise Reduction Plan. 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. The Plan should include:

o A noise compliance liaison who can receive and effectively respond to noise complaints, and ensure construction activities comply with the City of Alameda's Noise Ordinance;

o A sensitive receptor relocation plan that offers nearby residents with alternative habitation options should construction noise adversely disturb daily quality of life;

o 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 contracts for the construction contractors should have specifications with very clear noise compliance standards, mitigation, monitoring and enforcement strategies, and penalties for non-compliance for all equipment (including heavy haul trucks) used. Monitoring and enforcement should occur not just in proximity to the construction site, but along all the construction routes in Alameda.

In addition, the operating agreements with the tug boats, dredging companies and shipping companies should have specifications with very clear noise compliance standards, mitigation, monitoring and enforcement strategies, and penalties for non-compliance for all equipment used.

LEi-6

Air Quality and Greenhouse Gas Impacts

Construction activities and turning basin operations, 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. The project's purpose and need do not outweigh the potential for the project to significantly harm the health and welfare of people and businesses in Alameda.

In addition to requiring emissions standards for vehicles and equipment during construction, the DEIR should include comprehensive air quality monitoring requirements that are closely tied to enforcement strategies that ensure compliance with federal, state, and local air quality and public health standards.

LEi-7

The Port should hire a qualified air quality specialist and create a comprehensive air quality control plan that is adopted by the contractors and enforceable.

The contracts for the construction contractors should have specifications with very clear air quality compliance standards, mitigation, monitoring and enforcement strategies, and penalties for non-compliance for all equipment (including heavy haul trucks) used.

In addition, the operating agreements with the tug boats, dredging companies and shipping companies should have specifications with very clear air quality compliance standards, mitigation, monitoring and enforcement strategies, and penalties for non-compliance for all equipment used.

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

The DEIR analysis of the cumulative and potential seismic risks to 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.

LEi-8

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.

Thank you for the opportunity to comment on this project.

Lauren R. Eisele

Lauren Eisele
Alameda Citizen

From:	Martin Horwitz (martin7ahorwitz@yahoo.com) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Thursday, December 7, 2023 2:45:31 PM

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Dear Attn: Ms. Khamly Chuop,

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. MHo-1 MHo-2 MHo-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. MHo-4

Sincerely,

Martin Horwitz
1326 23rd Ave
San Francisco, CA 94122
martin7ahorwitz@yahoo.com
(415) 286-0135

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Sunday, October 8, 2023 3:14 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Margie Siegal
Email: msnorton@yahoo.com

Message Body:
I live in Alameda, several blocks from the Oakland Esturary. I am NOT in favor of your project.

My understanding is that the widening project will enable more and larger tankers to access the Oakland Estuary and the Port of Oakland. The Oakland Estuary has significant small-boat traffic: sailboats, kayackers and rowers. More and larger tankers will make it more difficult for recreational owners to use this resource. MSi-1

The land near the Port is densely populated. More tankers means more diesel burning trucks. Trucks sitting around idling are a significant source of pollutants. West Oakland is already heavily polluted. Interstate 880 is jammed with traffic seven days a week. Traffic jams are another pollution source. MSi-2

Once you have a viable plan to reduce pollution, we can talk. If not, I will stay opposed.

--
This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From: Oakland Seaport
To: turningbasins@portoakland.com
Subject: Turning Basins Project Comment Form Submit
Date: Thursday, October 5, 2023 6:27:47 PM

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From: mark p
Email: mpiet55@comcast.net

Message Body:
Alameda Resident here. Please include promenades on either side (Oakland and Alameda) so folks can watch the ships turning. Public Access. We used to be able to do that on the Alameda side 15 years ago but that was closed off due to development of shipping services companies. Thank-you. MPi-1

--
This e-mail was sent from a contact form on Oakland Seaport (https://urldefense.com/v3/__https://www.oaklandseaport.com__;!!ETWISUBM!xcqviAdxXgnTH2skPDiFymozHeuDyIDsv-6Uc0V_NyJCwuOTYTiDug4ARHskUsaEgJXkFkgxi2XX7jXLZiJlPtkd1Q$)

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Wednesday, October 25, 2023 11:29 AM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Ms Margaret Gordon

Email: margaret.woeip@gmail.com

Message Body:

This project will add more pollution to West Oakland where as the Port of Oakland has not a zero emission port. Until the Port of Oakland has made more effort in a very master plan of deliverables to become a zero emission port this project should not go forward or not not become available to such times that there is a master plan for zero emissions. The community of West Oakland and the City of Oakland deserves better not to be impacted by more pollution from a mega ship docking at the Port of Oakland. MGo-1

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	Nancy Auker (nancyauker@sbcglobal.net) Sent You a Personal Message
To:	turningbasins@portoakland.com
Subject:	Revise the DEIR to fully analyze the impacts of widening the turning basins in Oakland harbor
Date:	Thursday, December 7, 2023 8:02:30 PM

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Dear Attn: Ms. Khamly Chuop,

I?m a local resident and I?m extremely concerned about the Port of Oakland?s plan to expand by widening the turning basins. Doing so would make it easier for more megaships to enter the harbor, bringing with them increased air pollution. West Oakland is already overburdened with air pollution. The Port?s expansion would perpetuate and potentially worsen the public health outcomes of neighboring residents of a historically Black community. Additionally, dreding the bottom of the harbor could damage delicate and vital ecosystems and worsen water quality. NAu-1 NAu-2 NAu-3

The Draft Environmental Impact Report needs to be redone and recirculated with these harmful impacts taken into full consideration. The health and well-being of West Oakland residents and the Bay ecosystems must not be threatened by this proposed expansion. NAu-4

Sincerely,

Nancy Auker
1932 Golden Rain Rd Apt 1
Walnut Creek, CA 94595
nancyauker@sbcglobal.net
(510) 547-0278

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Member Care at Sierra Club at member.care@sierraclub.org or (415) 977-5673.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Sunday, November 12, 2023 11:36 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Nancy Wong

Email: wongnisha2@gmail.com

Message Body:

I oppose the widening of Oakland Harbor. There will be too much security issues and pollution and more illegal drugs smuggled into the port. NWo-1

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Khamly Chuop

From: richard reitmeyer <rareitmeyer@gmail.com>
Sent: Tuesday, December 19, 2023 3:37 PM
To: Turning Basins
Subject: [EXTERNAL] Please widen the turning basin

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

Hello, I'd like to write in support of widening the turning basin at the Port of Oakland. I use the Estuary for sailing, and I purchase things that come in from overseas via the port.

RRe-1

While I am sure those opposed are sincere in their beliefs, I'd like to have my voice counted in favor of moving the project forward.

Richard Reitmeyer,
Menlo Park, CA

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Monday, December 18, 2023 3:52 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Steve Bayles

Email: steve_bayles@hotmail.com

Message Body:

Ever larger container ships make transitiñg the estuary harder and harder for both commercial and recreational traffic. $Ba-1
At times unsafe as large ships leave little room to pass safely.

Attachment:

--

This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	selena feliciano
To:	turningbasins@portoakland.com
Cc:	Julio Garcia; Violet Saena
Subject:	Comments to Draft EIR
Date:	Monday, December 18, 2023 3:02:53 PM
Attachments:	TO PORT_RE Public Comments on Oakland Harbor Turning Basins Widening Project.pdf

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Hello,

Please see attached for my public comment to the Draft EIR, co-signed by Julio Garcia and Violet Saena.

Thank you for considering the people and ecology of my community in the decision-making process,

Selena Feliciano
510.754.9832

www.selenafeliciano.com

RE: Public Comments on Oakland Harbor Turning Basins Widening Project

I write as an Environmental Justice Advisor of the San Francisco Bay Conservation and Development Commission (BCDC) regarding the future of the Oakland Harbor Turning Basins Widening Project currently being considered in the permitting process of BCDC and undertaken by the Port of Oakland and the United States Army Corps of Engineers. **Frontline communities like mine in West Oakland already bear the brunt of toxic pollution at the hands of corporations that operate out of the Port of Oakland**–our youth, elders, and vulnerable neighbors suffer worst from poor air quality, toxic soil and runoff, and flooding exacerbated by the ongoing development of our Bay. SFe-1

I am in agreement with West Oakland Environmental Indicators Project (WOEIP), a local organization in my community, that **a full environmental review that accounts for the emission reduction commitments made by the Port and City agencies must be conducted prior to any further permitting and approvals.** The Port has failed to consider how the expansion project and subsequent increase in ship traffic will impact my community for generations to come. SFe-2

The current Draft Environmental Impact Report for the project by the Port of Oakland is inadequate, and I'm asking alongside other community-members:

- *What will the impact be on our air?* Inviting more megaships to the area may increase particulate matter emissions and other harmful air pollutants. SFe-3
- *What will the use of fossil fuels and subsequent pollution look and feel like for our communities?* Higher traffic may lead to more idling, gas-powered trucks, and a slow electrification process by the Port leaves us at risk of an increase in pollutants on our air quality. SDFE-4
- *What will the impact be on traffic?* More megaship visits likely mean a greater need for trucks to drive through West Oakland to visit the Port. This may lead to more traffic and congestion in our residential streets, where we live, work, and worship. SFe-5
- *What is the plan for waste removal?* There is no commitment to a plan where dredged material will be dumped, and we have not seen any analysis of the impact of carrying this toxic load throughout roadways of the Bay Area that can put more communities at risk. Similarly, there is no analysis of increased risk of public health hazards due to the increase in maritime traffic–shipping accidents, oil spills, and dangerous situations. SFe-6
- *How will this harm our beloved Bay and the wildlife that call this ecosystem home?* There is no analysis of the increase in use of fossil fuels on wildlife in the Bay, nor a report on how the removal of 2 million cubic yards of dredged soil will impact local ecology. SFe-7

I urge decision-makers to consider: who is benefiting from this expansion? All reports show that there is very little being offered to the West Oakland community, and that we will be left to pay the price in increased emissions, worsened air quality criss, and the harms of ongoing operations of a Port that has already harmed our neighborhoods for decades. SFe-8

I do this work because I envision a future where all communities across race and class have the ability to thrive with clean air, safe drinking water, and adequate housing conditions. It is essential that communities impacted first and worst by climate change like mine have the opportunity to be considered as priorities in projects like these; our children, our streets, and our futures deserve an expansion of possibility beyond pollution.

SFe-9

Thank you, and I look forward to your response.

Selena Feliciano
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
National Campaign Coordinator, Energy Democracy Project

Co-signed by
Julio Garcia
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
Executive Director, Rise South City

Violet Saena
Executive Director, Climate Resilient Communities
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission
Environmental Justice Advisor, San Francisco Bay Conservation and Development Commission

Khamly Chuop

From: Sherrill Futrell <safutrell@ucdavis.edu>
Sent: Tuesday, November 7, 2023 6:37 PM
To: Turning Basins
Subject: [EXTERNAL] PORT AIR POLLUTION

Follow Up Flag: Follow up
Flag Status: Flagged

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West Oakland has higher rates of asthma, cardiovascular disease, premature death, and other poor health outcomes related to air pollution than other parts of Alameda County and the region. The port should not invest in projects that increase air pollution particularly in West Oakland and other overburdened communities. It's time for the Port to put an end to environmental racism and prioritize public health. IT'S PATHETICALLY RACIST AND YOU'RE IN CHARGE. SFu-1

SHERRILL FUTRELL
DAVIS

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Thursday, October 5, 2023 12:48 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

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From: Steven Gorman
Email: sgorman1b@yahoo.com

Message Body:
I support the turning basin improvement project. It sounds like it is necessary to continue efficient operations at the Port of Oakland. SGo-1

Steven Gorman
Alameda, CA

--
This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

From:	Oakland Seaport
To:	turningbasins@portoakland.com
Subject:	Turning Basins Project Comment Form Submit
Date:	Monday, December 18, 2023 10:25:29 AM
Attachments:	response.to_.eir_.docx

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From: Sean Svendsen

Email: sean@svend.us

Message Body:

Comments are included as an attachment.

Attachment: response.to_.eir_.docx

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

The following comments relate to the "Alameda Site" as referenced in the draft EIR.

1. Use of Electrical Dredge Equipment Should be Required at the Alameda Site

Paragraph 2.5.1 of the EIR provides that "following installation of the new bulkhead and completion of landside excavation, the existing bulkhead would be removed, and approximately 493,100 cubic yards of material located below water would be dredged." Paragraph B.4.4.1 of the draft EIR provides for use of electric dredge equipment to minimize dredge process emissions. Use of electric dredging on the Alameda side of the inner harbor is critical and should be mandated regardless of overall emission comparisons to diesel dredging, as there are high-density residential neighborhoods in very close proximity to Alameda shoreline, and directly downwind of prevailing wind directions.

SSv-1

2. The Power Source for Electrical Dredging at the Alameda Site Should be Located in Alameda and Not at Howard Terminal

B.4.4.1 provides that electricity for dredge equipment at the Alameda Site will "come from the connection on Alameda". But section 2.5.1 of the executive summary is inconsistent with B.4.4.1 as it provides that such power might also come from "electrical infrastructure that would be installed at Howard Terminal near berth 68."

For efficiency reasons, the power for dredge equipment used at the Alameda Site should *only* come from an electrical source on Alameda. This would have multiple positive benefits, including fewer vessel trips back and forth to Howard Terminal, less disruption to other commercial and recreational vessel traffic utilizing the estuary waters between the two sites, and less turbidity and disturbance of aquatic life caused by transiting dredge vessels.

SSv-2

3. The Electrical Supply for Dredging the Alameda Site Should be Located on its Own Wharf

This draft EIR provides for electrical upgrades to be installed at Howard Terminal, including new switchgear near the edge of the wharf at Berth 68, with modification to the concrete wharf and the addition of bollards and fencing. Figure 2.5-2 identifies the general location of this proposed new infrastructure.

Unlike the proposed electrical infrastructure identified at Howard Terminal, the EIR provides no guidance on the location of power for Alameda Site dredging. The existing bulkhead at the Alameda Site is actively used as a wharf for tugboats and refueling barges. With limited availability of such wharf space on San Francisco Bay, and particularly within the vicinity of the Port of Oakland, this use is likely to continue after the Port's construction project is complete. The wharf at the Alameda Site presently has no electrification or vessel shorepower. The Port's plan should therefore provide for a new electrical connection, and sufficient power for electric dredging, to be constructed on the wharf of the Alameda Site. The Port should further consider a solar power source and a BESS (battery energy storage system) at the Alameda Site, to ensure that as much of the energy required for current and future dredging is derived from clean energy.

SSv-3

4. The New Bulkhead at the Alameda Site Should be Designed with Linear Sections and Plumb Piles

The new bulkhead at the Alameda Site should also be planned and designed with linear sections and vertical (plumb) piles, instead of a curved bulkhead design with batter piles. While a design with plumb piles would increase the cost of construction, it could enable the new wharf to be used for emergency tie ups, whereas batter piles provide for no possible vessel use of the new wharf whatsoever.

SSv-4

Khamly Chuop

From: Todd <todd.clark.snyder@gmail.com>
Sent: Wednesday, November 8, 2023 7:41 PM
To: Turning Basins
Subject: [EXTERNAL] Port of Oakland Environmental Review

Follow Up Flag: Follow up
Flag Status: Flagged

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

As a stakeholder, I strongly urge you to rule that the Port of Oakland must electrify all of its equipment before planning on any expansions of its operations. The port has not considered the health impact of this project on overburdened neighboring communities. West Oakland, the neighborhood closest to the Port, is one of the most overburdened communities in California and has been shaped by redlining practices and disinvestment by the state and local governments. West Oakland has higher rates of asthma, cardiovascular disease, premature death, and other poor health outcomes related to air pollution than other parts of Alameda County and the region. The port should not invest in projects that increase air pollution particularly in West Oakland and other overburdened communities. It's time for the Port to put an end to environmental racism and prioritize public health. TSn-1 TSn-2

Thank you,
Todd Snyder
San Francisco, CA 94115

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Tuesday, November 14, 2023 1:45 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit

Follow Up Flag: Follow up
Flag Status: Flagged

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From: virginia Moriconi

Email: vamoriconi@yahoo.com

Message Body:

i am against the expansion and more polluting mega ship to destroy the environment and putting carbon into the environmen

VMo-1

Attachment:

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Port of Oakland
Turning Basin Draft EIR Public Meeting Transcript
October 25, 2023

Laura Adleman [00:00:03] We're going to go ahead and get started. Good evening and welcome to this community meeting for the Oakland Harbor Turning Basins Widening Draft Environmental Impact Report. This meeting consists of a presentation followed by a public comment session. Please fill out a speaker card if you would like to speak during the public comment session. Speaker cards are available at the check in table located at the front entrance.

Laura Adleman [00:00:31] Just a few housekeeping notes. Restrooms are located to my right around the corner. Emergency exits are located throughout the building at the Water Street, Harrison and Embarcadero West Doors. We have Spanish and Cantonese Language Interpretation services available this evening, and I'll now turn it over to the Spanish and Cantonese interpreters who will explain the interpretation services. We have the Spanish interpreter. Oh, Cantonese can come first. I'm so sorry. Oh, it's okay.

Cantonese Interpreter [00:01:12] [Introduces himself in Cantonese.]

Spanish Interpreter [00:01:30] [Introduces himself in Spanish.]

Laura Adleman [00:01:45] Thank you to our interpreter team. I'd also like to inform everyone that we are video recording the presentation and verbal comment portion of this meeting. We will be posting the recording on the project website along with a copy of the PowerPoint presentation. Will now begin our presentation.

Laura Adleman [00:02:06] Thank you for participating in this public meeting for the Draft Environmental Impact Report for the proposed Oakland Harbor Turning Basins Widening Project. The primary purpose of this meeting is to receive public comment on the draft environmental Impact report or draft EIR.

Laura Adleman [00:02:21] My name is Laura Adelman and I'm part of the project consultant team and I'll be facilitating this evening's meeting. The listed individuals here will also be speaking this evening. And now we'll go over the meeting agenda.

Laura Adleman [00:02:37] The first topic is opening remarks, and then we'll describe seaport conditions and the purpose of the proposed project and provide an overview of the proposed project. Next, we will review the California Environmental Quality Act or CEQA process and a summary of the proposed project's environmental impacts, followed by instructions on how to provide written comments during and after this meeting. We will then open up the public meeting for public comment on the draft EIR.

Laura Adleman [00:03:12] Again, the primary purpose of today's meeting is to receive public comment on the draft EIR. Finally, we'll wrap up the meeting. Please note that speaker cards must be received by 7:30 p.m. to be allocated time to speak during this public meeting. I'll now hand it over to Mr. Brandies for his opening remarks.

Brian Brandes [00:03:41] Thank you and good evening, everybody, and thank you so much for joining us tonight. We know your time is valuable and I appreciate you spending the evening with us. My name is Brian Brandes. I'm the Director of Maritime for the Port of Oakland. My goal tonight and repeating, but it's clear this is important. My goal is really for you to leave tonight with information about our proposed project as well as, you know, clear vision on how to participate in the draft environmental impact report process.

Brian Brandes [00:04:17] I'd like to start off by sharing a few of our successes over the past few years. So since 2005, the Oakland Seaport has seen notable reductions in criteria air pollutant emissions. Specifically, an 86% reduction in diesel particulate matter or DPM and also a 54% reduction in nitrous oxide or NOX emission emissions. Most of these reductions are due to cleaner equipment that we've been working with our tenants and the port as well as a vessel shore power, plugging in the vessels into shore power.

Brian Brandes [00:04:54] Just this month the port received the green maritime certification. Based upon our sustainable processes in the maritime industry and this is quite an achievement for a for a port. So we're proud of that. So we're going to the next slide. So I'm not going to go over everything on here. This is on display and you can, you know, reach out and ask questions with some of the staff here. But I'd really like to emphasize here that the port's commitment to becoming a zero emission seaport, as I mentioned, we've already had a lot of success. You know, we're not done. We're still clearly, you know, moving forward and this this chart right here, listing all the projects that we have going now, really exemplifies, you know, what you know, what we're doing and how we're moving forward.

Brian Brandes [00:05:41] And this is, you know, in cooperation with the port, our tenants and our neighbors. So we you know, we all owe a lot to them. The next slide. So the next slide equally, you know, with all the projects is all the grants. There's you know, as everyone's, you know, familiar, there's been a lot of money available. We've, you know, taken a lot of advantage of that. It's a lot of work. The port, you know, has, you know, submitted, you know, for most of the grants that have been available, we have been successful on receiving quite a bit. This outlines again, I'm not going to go every single one of these, but it's out list. It's listed on a on a chart out there. You can ask more questions on it.

Brian Brandes [00:06:21] But almost every one of these has a component at aiming at reducing emissions. And we strongly believe the widening of the turning basins is one of the many projects that the port is working to deliver as we move towards a cleaner future. So by widening the turning basins, ships will call to Port more efficiently and safely on a path to a zero emission seaport. I am truly honored to be at the helm of the Maritime Division of the Port of Oakland during this transformative period. My goal is to position the Port as a leader, which we are an innovator in efficiently servicing global trade with the highest regard to health and safety.

Brian Brandes [00:07:04] It is my firm belief that the widening of the turning basins delivers on these commitments. I look forward to working with the community and all of our partners on this proposed port project and all of our other proposed projects. We've got a lot of work to do and we're looking forward to working with you and getting it done. So

thank you, guys. And again, thank you so much tonight for attending our session. Let's turn back over to you.

Laura Adleman [00:07:35] All right. Thank you, Mr. Brandes. Okay. I'm now going to turn it over to Mr. Williams from the Army Corps of Engineers to provide some opening remarks.

Tommy Williams [00:07:51] Good evening, everybody. Can you all hear me okay? Okay, great. Thanks. Sorry, I'm a little taller than Brian. So I'm here representing the Army Corps in San Francisco. My name is Tommy Williams. Thanks, big guy. Selfishly motivated. All right. Very good.

Tommy Williams [00:08:13] My name is Tommy Williams. I'm here representing the San Francisco district of the Army Corps of Engineers in San Francisco. I'm the deputy for all of our project management. I suspect most of you haven't seen my face here before. So. One. Hi. But two, I wanted to come in and clearly articulate our understanding, my understanding that not all of us stakeholders at the local, state or even the federal partner level see eye to eye on all the products we do, including this one.

Tommy Williams [00:08:41] So this public engagement and open collaborative forum is really important to all of us. You know, the Army Corps has longstanding roots here at the Port of Oakland and in the Greater Bay Area, for that matter. You know, we've been we've been in charge of operating and maintaining that deep draft navigation channel that that leads to the Port of Oakland for for for many decades.

Tommy Williams [00:09:06] And and so our partnership with the port spans, gosh, probably longer than most of us have been around. And there have been bumps along the way, but it's been a pretty darn strong partnership. And one of the things that Brian pointed out in his opening remarks is how innovative the port has been as a partner with us, but also as an actor in the bay over the last couple of decades and then kind of exponentially increasing so over the last few years.

Tommy Williams [00:09:30] So just to contextualize this project with with our portfolio, we have about 11 other federal channels throughout the Bay that we dredge every single year. And and with this proposed project that we're working on with the Port of Oakland, the Port has has unilaterally decided and offered to electrify dredging. That is potentially part of the project solution.

Tommy Williams [00:09:56] Now, all of those 11 of the projects that I mentioned, the Bay, not one of them which are done every year, not one of them has ever considered, let alone actually done electric dredging. So there are a lot of things that the Port's doing to get ahead of where historically we've been as a as an infrastructure development agency. So to that, I really want to give a tip of the hat to the Port.

Tommy Williams [00:10:18] So with with that, I just wanted to say good evening. Thanks for coming and thanks for taking your personal time for public engagement. I recognize as a public official that that our interests are all aligned at a really basic level. You know, 95% of my staff, I suspect the same for the Port of Oakland, live and work here in the Greater Bay Area.

Tommy Williams [00:10:40] I grew up less than 35 miles from here. I live less than 15 miles from here. I personally have a great deal of of sincerity and interest in what we do as an agency. But I've also got three small kids who I want to grow up in an area that is better, safer, cleaner, and then, of course, more sustainable than what I inherited from my parents.

Tommy Williams [00:11:02] And this project is an infrastructure project that's going to leave a mark for all of our children. And I think together, we're we're really pushing it in the right direction. So thanks for being here tonight. And that's all I have for now. Back to you. Thanks.

Laura Adleman [00:11:21] Great. Thank you. And now I'm going to turn it over to Justin Taschek, Senior Maritime Projects Administrator for the Port, and he's going to provide some background for you on the proposed project. Justin.

Justin Taschek [00:11:33] Check. Mike check. Going to be a problem? Ok Check, check. Maybe some move this out of the way. Maybe not. All right. All right.

Justin Taschek [00:11:46] Thank you, Laura. And thank you, Tommy and Brian. Both great opening remarks. And good evening, all. Thank you for sharing your evening with us here tonight. My name is Justin Kassick, senior project administrator for the Port of Oakland. And to walk you through some slides here in front of us.

Justin Taschek [00:12:03] The Port of Oakland covers 20 miles of waterfront and includes three revenue divisions. The area in blue is aviation. The area in red is commercial real estate and the area in green is maritime. The maritime area includes five miles of industrial waterfront and is the focus of the proposed project and our meeting here tonight.

Justin Taschek [00:12:28] Here is the seaport area. The blue dash line denotes the federal channel limits. Of the Auckland Harbor, which includes deep navigation channels and turning basins, turning basins similar to a cul de sac on a street and allow vessels entering and exiting the port to turn around. Now I would like to share a video of a vessel turning in the Inner Harbor Turning Basin.

Justin Taschek [00:12:59] So this is about speed 20. Accelerate for 30 seconds. Normal time on this turning event. 15 to 20 minutes. So to save us here tonight, we accelerated this video so you can see the tugs working along the ship because it is not only the ship that needs the turn, it's the tugs that assist that maneuver there.

Justin Taschek [00:13:30] The 50 foot deepening project widened the existing turning basins for a container vessel with a length of 1139 feet, which is equivalent to a Post-Panamax Generation 1 or PPX1 vessel. This table shows all container vessel classes that visit the port today. PPX1 vessels and those shorter are able to use the existing turning basins with no restrictions.

Justin Taschek [00:13:57] In contrast, vessels longer than PPX1, that is the PPX2, 3, and 4 vessel classes have restrictions when using the existing turning basins due to their greater length. These restrictions include scheduling transits around specific tide, current and wind

conditions, limiting transits to daylight hours, use of an additional pilot and a required number of vessel assist tugs.

Justin Taschek [00:14:29] These restrictions can delay vessels from arriving or departing a berth. In addition, vessels longer than 1210 feet in length are unable to use the Inner Harbor Turning Basin and are restricted to docking port side only with their bow pointed east. This can impact the ability for a vessel to use shore power and depart in an emergency.

Justin Taschek [00:14:53] This image depicts total annual vessel visits over a 22 year period. The yellow vertical line marks the completion of the 50 foot deepening project, which resulted which resulted in the current size of the turning basins.

Justin Taschek [00:15:12] Following completion of the 50 foot deepening project and economic recovery from the Great Recession, the Port saw a reduction in total vessel calls. This reduction in total vessel calls is attributed to longer vessels which carry more cargo, replacing multiple shorter vessels.

Justin Taschek [00:15:31] In this graph, vessels are grouped into two categories shorter vessels that do not have restrictions and longer vessels that do have restrictions. Prior to the COVID-19 Pandemic, the total number of shorter, unrestricted vessels continued its downward trend, and the total number of longer restricted vessels trended upward.

Justin Taschek [00:15:53] As shown on the far right. To date, greater than half of the container vessels visiting Oakland have transit restrictions. Through September of this year, the Port has seen 406 long vessels call the port, compared to 319 shorter vessels.

Justin Taschek [00:16:11] The gray shaded area depicted total cargo handled for the last ten years, during which time cargo volume has remained relatively constant, though the number of vessels has continued to decrease. The width limitations and transit restrictions placed on vessels transiting the existing turning basins result in transportation inefficiencies, which in turn have cascading effects on economic, environmental and safety considerations.

Justin Taschek [00:16:44] To address this, the Port has identified five project objectives, which include optimizing transit efficiencies, maintaining the Port's competitiveness, improving flexibility for use of shore power, to reduce emissions while at berth, improving conditions for vessel maneuvering and safety, and modernizing essential waterway infrastructure to accommodate the projected increase in the frequency of larger vessel visits.

Justin Taschek [00:17:16] This graph compares economic factors, waterway improvements and total cargo handled over a 20 year period. The blue line represents total cargo handled compared to local gross domestic product, or GDP shown with the dashed orange line. As GDP increases, cargo volume increases. When GDP decreases, cargo volume decreases.

Justin Taschek [00:17:42] In fact, the average annual cargo growth rate was less after completion of the 54 deepening project than before. Imagine the future with and without this proposed project. Let's look at years 2030, 2040 and 2050.

Justin Taschek [00:17:59] As shown under the width project scenario, widening the turning basins allows longer vessels colored in yellow, blue and green to call to seaport with increased frequency. These large vessels are calling the Port today and are expected to continue to do so in the future, with or without the proposed project.

Justin Taschek [00:18:19] The main difference in the future scenarios is the total number of vessels that will visit the seaport. The no project scenario will require more vessels to service trade demand than the future with project. The total number of containers that can be handled at the seaport at a given time is limited by constraints, including availability of land and equipment to move the containers.

Justin Taschek [00:18:45] Such constraints are expected to remain in the future, with or without the project. Marine terminal operators work within these constraints and manage surges in cargo volume, such as during the holiday peak season. Marine terminal operators are expected to continue using these management practices.

Justin Taschek [00:19:04] If there are less vessel calls in the future with a proposed project. What does this mean? This graph shows a percentage reduction in criteria air pollutant emissions from vessel operations for the proposed project compared to the no project future for years 2030, 2040 and 2050.

Justin Taschek [00:19:23] These reductions are a result of the decrease in total vessel visits required to meet forecasted trade demand under the proposed project at this time. I would like to introduce Port Engineer Lead, Fanny Yu, who will now describe the proposed project. Thank you.

Fanny Yu [00:19:42] Thank you, Justin. The proposed project involves widening both the inner and outer harbor turning basins to accommodate a vessel that is 1310 feet long. The Inner Harbor Turning Basin would be widened by an additional 334 feet and to a depth of 50 feet, which is consistent with the depth of the existing turning basin and the Inner Harbor Channel.

Fanny Yu [00:20:11] The purple hatch areas are where land excavation and dredging would occur on both the Oakland or northern side of the turning basin and on the Alameda or southern side of the turning basin.

Fanny Yu [00:20:25] Two warehouses located on the Alameda side would be partially demolished. The red dashed lines represent new bulkhead. The new bulkhead on the Oakland and Alameda side would serve as a structure to separate land from water. The new bulkhead at Radius Recycling, previously known as Shnitzer Steel, would be installed underwater to protect the stability of the [unknown banging noise] shoreline at this location.

Fanny Yu [00:20:55] Proposed electrical infrastructure would be installed at the southeast corner of Howard Terminal to facilitate electric dredging to reduce construction emissions

for the proposed project. The orange hatch represents the preliminary proposed construction staging areas, which would only be used if the construction work areas do not provide enough space for equipment and material storage.

Fanny Yu [00:21:20] The specific locations of the staging areas for the inner harbor will be further refined prior to construction. The Outer Harbor Turning Basin would be widened by 315 feet and to a depth of 50 feet. This will be accomplished by dredging shown in the purple hatch. And does not require any removal of land.

Fanny Yu [00:21:45] Berth 26 would be where proposed electrical infrastructure for electric dredging would be installed. Berth 10 would be used for construction, staging and rehandling of non-hazardous stretch materials that would require landfill disposal.

Fanny Yu [00:22:03] The construction duration would be approximately two years and four months and is anticipated to start in July 2027 through November 2029. The estimated total construction duration at each work location is shown on this slide.

Fanny Yu [00:22:21] Construction at Howard Terminal is estimated to approximate take approximately 12 months and 20 months at the Alameda site. Notably, some of the construction activities can occur concurrently for the Outer Harbor Turning Basin dredging is expected to take approximately eight months.

Fanny Yu [00:22:44] In total, approximately 2.5 million cubic yards of material would either be excavated or dredged. It's estimated about 8% of the material would be disposed at a landfill and 92% of the material would go towards beneficial re-use or recycling.

Fanny Yu [00:23:02] Beneficial re-use is the establishment of wetlands. The benefits of reuse for a wetlands establishment include creation of habitat for special status species and supporting sea level rise adaptation efforts. Now, I would like to introduce Khamly Chuop, port associate environmental planner and scientist, to provide the overview of the CEQA process.

Khamly Chuop [00:23:30] Okay. Thank you, Fanny. The Port, as a CEQA lead agency is required to prepare environmental documentation in compliance with CEQA for this proposed project.

Khamly Chuop [00:23:45] The Turning Basins Widening project also requires approval by the US Army Corps of Engineers and is therefore subject to a separate environmental review process in compliance with the National Environmental Policy Act, or NEPA. The Army Corps released a revised draft of a combined integrated feasibility report and an EPA Environmental Assessment in April 2023.

Khamly Chuop [00:24:15] The purpose of the CEQA process is to enable public participation, promote coordination between government agencies, identify ways to minimize or avoid the significant effects of a project, and encourage informed decision making.

Khamly Chuop [00:24:35] The CEQA process is prescriptive. The Port must follow the steps shown here. The first is the notice of preparation or NOP, which the Port published

on May 31st, 2022. During the scoping period, the Port received comments and incorporated that input into the scoping and preparation of the draft EIR.

Khamly Chuop [00:25:01] The Port published the draft EIR on Tuesday, October 3rd, 2023, and we are now here in the public review of the draft EIR. The Port initially requested public comments by November 17th. On October 19th, the Port extended the public review and comment period to Monday, December 18th. This reflects a 77 day public review and comment period under CEQA. The lead agency must allow for a minimum of 45 days for public review and comment.

Khamly Chuop [00:25:39] The next steps following the public review and comment period are for, are to review and consider comments received, and to prepare the response to comments which will be included in the final EIR. There will be a public notification that the final EIR has been completed and is available to the public prior to certification by the Board of Port Commissioners.

Khamly Chuop [00:26:05] And now I would like to introduce Kelly Bayer, the Environmental Review Lead from the Port's consultant team at AECOM, who will provide an overview of the draft EIR analysis and to CEQA findings.

Kelly Bayer [00:26:25] Thank you Khamly. The Draft EIR consists of an Executive Summary, eight chapters and six appendices. In particular, Chapter 2 presents a detailed description of the proposed project and Chapters 3 through 5 describe environmental effects which may result from implementation of the proposed project and alternatives.

Kelly Bayer [00:26:45] Appendices B through F provide supporting technical analysis for select environmental resource topics. The Draft EIR identified thresholds of significance for each environmental resource topic that may be impacted by implementation of the proposed project.

Kelly Bayer [00:27:04] Impacts that are expected to reach or exceed these thresholds are considered potentially significant. Where feasible mitigation measures are available to reduce the level of impact to below the threshold.

Kelly Bayer [00:27:18] Mitigat [sic] impacts are considered less than significant with such mitigation. Where mitigation measures would not reduce the impact below the threshold or there are no feasible mitigation measures, impacts are considered significant and unavoidable.

Kelly Bayer [00:27:35] The draft EIR found that the proposed project's construction would have significant and unavoidable impacts related to air quality and noise and less than significant impacts with mitigation on biological resources, cultural resources including tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality and transportation.

Kelly Bayer [00:28:07] The proposed project would have no impact or less than significant impacts with respect to all remaining resource topics. Construction related emissions would result from the use of construction equipment, including both land based and water

based construction equipment, construction worker vehicle trips and dust generation from earthmoving and demolition activities.

Kelly Bayer [00:28:32] These emissions were compared to local thresholds. All criteria pollutants except for nitric oxide or NOx would be able to thresholds. The mitigation measure for air quality: Mitigation Measure. Air-1 calls for using the cleanest construction equipment, which is Tier 4 or final engines as available, and other measures to reduce dust.

Kelly Bayer [00:28:55] However, even with implementation of this mitigation measure, NOx emissions would exceed local thresholds.

Kelly Bayer [00:29:05] In addition, a health risk assessment was conducted to assess the changes to health impacts for people during construction of the proposed project. Health impact results were compared to local thresholds and were found to exceed the threshold for cancer risk and PM 2.5 emissions. These exceedances would take place in existing and planned resident locations in Alameda and within the proposed resident locations at Howard Terminal.

Kelly Bayer [00:29:33] Similar to NOx emissions, even with the implementation of mitigation measure AIR-1 impacts were still above local thresholds. Therefore, due to NOx emissions cancer risk and PM 2.5 emissions all being above local thresholds, air quality impacts were determined to be significant and unavoidable.

Kelly Bayer [00:29:57] Noise impacts from construction equipment expected to be used for the proposed project were evaluated by evaluated by considering the different types of construction activities and in calculating construction related noise levels at nearby noise sensitive receptors.

Kelly Bayer [00:30:15] Estimated construction noise levels indicate that Exceedances of the City of Alameda exterior night time limits would occur at some of the Landing at Bay 37 residential units. Potentially impacted units would be those located within 725 feet of construction dredging activities and within the direct line of sight of dredging activities which are generally those that are located directly east of the Alameda Warehouses, slated for partial demolition. These residential units are currently under construction.

Kelly Bayer [00:30:52] Additionally, noise from daytime pile driving and nighttime dredging would also exceed local thresholds at some of the residential units proposed at Howard Terminal. As required under the CEQA guidelines, the Draft EIR evaluated reasonable alternatives to the proposed project, including a no project alternative that represents the future without the project.

Kelly Bayer [00:31:18] The draft evaluated three alternatives: widening the Inner Harbor Turning Basin only with electric dredges, widening the Outer Harbor Turning Basin only with electric dredges, and widening both turning basins using diesel dredge, diesel dredges.

Kelly Bayer [00:31:38] For each alternative, we ask two questions. First, does the alternative lessen the significant impacts of the project? And second, does this alternative

meet most of the project objectives? None of the alternatives to the proposed project both lessen the project's significant impacts and met most of the project objectives.

Kelly Bayer [00:31:58] This concludes my summary of the Draft EIR analysis and CEQA findings. Laura Adelman will now present how to provide comments on the Draft EIR and then commence the public comment session.

Laura Adleman [00:32:17] Okay. Thank you. All right. Thanks, Kelly. There are multiple ways that you can provide comment on the Draft EIR. You can provide written comments using a comment card. The comment cards are located at the check in table or at the poster station number four.

Laura Adleman [00:32:33] As we mentioned earlier, you can fill out a speaker card and provide verbal comments during tonight's public comment session. You can provide verbal comments during one of our upcoming virtual meetings on Zoom on November 6th and 7th. You can also provide verbal or written comments during our second in-person meeting in Alameda that will be tentatively held on November 14th.

Laura Adleman [00:32:55] If you'd like to submit written comments online, you can use the online form at www.portofoakland.com/turningbasins. You can also send written comments by U.S. mail to Ms. Khamly Chuop at Port of Oakland Environmental Programs and Planning Division, 530 Water Street, Oakland, California 94607. And lastly, you can email comments to turningbasins@portoakland.com.

Laura Adleman [00:33:25] All comments must be received by 5 p.m. Pacific Time on Monday, December 18, 2023. Please account for mail delivery to be sure your mailed comments are received on time. To provide comments on the Draft EIR verbally, please fill out a speaker card available at the check in table.

Laura Adleman [00:33:47] We will call on speakers in the order of when the speaker cards are received. Once your name has been called as the speaker, please indicate your location so that our team member can bring you a microphone. And please come out to the aisle to provide your comments.

Laura Adleman [00:34:04] Before providing your comment. Please state and spell your name for the record. In addition, if you're representing an agency or an organization, please state the name of that agency or organization.

Laura Adleman [00:34:15] As a reminder, interpretation services are available in Spanish and Cantonese. Each speaker will have 2 minutes to provide their comment. Once you've identified yourself, we'll start the two minute clock and you may provide your comments for speakers needing interpretation services. 4 minutes will be allocated.

Laura Adleman [00:34:33] Each speaker is allowed one opportunity to speak and you will not be permitted to cede your time to another person. If you do have additional comments, please submit them through one of the other ways to submit comments as described earlier.

Laura Adleman [00:34:47] All verbal comments will be a part of the public record for the project and will be responded to in the final environmental Impact report. There will not be a verbal response. Any questions will be treated as a comment and will be part of the public record.

Laura Adleman [00:35:01] It's also too important to remind everyone to be respectful of others and to use appropriate language when making comments. These comments will be part of the public record for the project. Hate speech threats made directly or indirectly and or abusive or offensive language will not be tolerated. Anyone who fails to follow these guidelines will be asked to stop speaking.

Laura Adleman [00:35:24] Currently we have two speakers in the queue. The first speakers we do, we have additional cards? The first speakers will be Bill Dow and then followed by Ms.. Margaret Gordon. And then we also have Brett Andrews after that. So those will be our first three speakers. Okay. And now we're going to take our first speaker. Bill Dow, you're here. You'd like to speak, Yes?

Unkown Speaker [00:36:04] I'll just read it for you.

Bill Dow [00:36:05] Oh. I was just here. I have nothing to speak about that. I was just here to support the dredging project. Build our local six ILWU. BDo-1

Laura Adleman [00:36:19] Thank you for your comment. Okay. Our next speaker is Ms.. Margaret Gordon.

Ms. Margret Gordon, with West Oakland Environmental Indicators Project [00:36:33] Oh you've got to hold it for me? [laughs] Ms. Margaret Gordon M-A-R-G-R-E-T-G-O-R-D-O-N. I'm here with the West Oakland Environmental Indicators Project. I'm here to talk about enhancing the project to NOT to impact West Oakland. I have not heard not one word from any of the speakers to talk about how you are planning to mitigate those unavoidable significant impacts. MGo-1V

Ms. Margret Gordon, with West Oakland Environmental Indicators Project [00:37:11] And also, I'm here to present letters and fact sheets to support that. The letter is from. Representative Barbara Lee, who has great concerns. This project project proposal has not been fair or equitable to West Oakland. So can we have copies of the [unknown word] passed out to the audience? Where'd she go? MGo-2V

Laura Adleman [00:37:39] I know she's. Oh, she had to step out. But. Right.

Ms. Margret Gordon, with West Oakland Environmental Indicators Project [00:37:42] We will pass out the fliers and our fact sheet because you have not, you as the Port of Oakland nor the U.S. Corps Engineers have actually made attempts to make this process more equitable environmental justice. Look, look at exposure and proximity and how the health of the West Oakland residents and other residents in this area will be impacted by having a big mega ship come through here.

Ms. Margret Gordon, with West Oakland Environmental Indicators Project [00:38:17] And you have not even done a traffic study. You going to be deploying up to 19,000 containers MGo-3V

in 72 hours. Don't nobody seems to understand that will be a impact and is clearly not stated. And that one slide, that one voice of the staff talk about how that will impact this community.

MGo-3V

Laura Adleman [00:38:43] Thank you for your comment. I'll just mention our next three speakers, Brett Andrews, Fern, followed by Katrina. Okay. Our next speaker, Brett Andrews.

Bret Andrews [00:39:06] Hi, I'm Brett Andrews.B-R-E-T-A-N-D-R-E-W-S. I'm a neurologist who works locally here and has patients from West Oakland, and I've been concerned about the effects that are disproportionate on the West Oakland Community from the Port.

Bret Andrews [00:39:27] And I applaud the efforts mentioned and described to electrify and reduce emissions. My concern is, as is Margaret Gordon's, that the Community continues to suffer impacts. The West Oakland Community is experiencing about half of their asthma from emissions or estimated to be caused by emissions from the Port.

Bret Andrews [00:39:59] And it's also the fact that there's multiple highways that are moving those containers off the ships and distributing them, and those are often by independent contractors which have diesel emitting. So no matter what we're doing at the Port, although we are reducing emissions, hopefully, this is causing asthma, cancer and there are reports over in the report itself that describe the cancer risks and that those continue to exist.

BAn-1

Bret Andrews [00:40:36] And as well, strokes, heart attacks, dementia are associated with PM 2.5 and other emissions and those are disproportionately affecting the people who live here in West Oakland. I would request that those concerns be at the forefront of your impact report. I have read through it. It's quite detailed. [microphone cuts off]

Laura Adleman [00:41:09] Thank you for your comment. Our next speaker is Katrina Thomas.

Katrina Thomas with Earth Justice and WOEIP [00:41:19] Right. Hi, my name is Katrina Thomas. K-A-T-R-I-N-A-T-H-O-M-A-S. I'm with Earthjustice here together with West Oakland Environmental Indicators Project and Environmental Defense Fund.

Katrina Thomas with Earth Justice and WOEIP [00:41:32] We're members of the Sustainable Port Collaborative, and we're concerned that the Port has not adequately consulted with the local community about a project that could worsen local air quality, harm environmental justice communities who live adjacent to the Port and cause ecological harm to the San Francisco Bay.

KTh-1

Katrina Thomas with Earth Justice and WOEIP [00:41:49] We already have a public health crisis in West Oakland due to diesel emissions from trucks, trains and ships at the port. That's what led to the West Oakland Community Action Plan pursuant to AB 617.

Katrina Thomas with Earth Justice and WOEIP [00:42:01] While we appreciate the Port's upcoming public meetings, and this meeting here at the Port has not engaged with

community stakeholders in conversation about the project during the drafting of its analysis to consider alternatives or even the need for this project.

Katrina Thomas with Earth Justice and WOEIP [00:42:15] This does not live up to the commitments in the world cap or in the Newsom and Biden administrations executive orders requiring agencies that invest in infrastructure development to also implement strategies that will yield equitable outcomes for underserved communities. And that lack of engagement has a has reflected in flawed environmental analysis in this D-EIR. KTh-1

Katrina Thomas with Earth Justice and WOEIP [00:42:38] The Port hasn't analyzed any of the impacts outside of the basins themselves or any of the impacts once the turning basins become operable. This includes potential truck traffic impacts to West Oakland that could make air emissions even worse. KTh-2

Katrina Thomas with Earth Justice and WOEIP [00:42:51] We urge the port to prioritize electrifying its equipment now, instead of expanding its operations. The Port is applying for hundreds of millions of dollars to clean up its pollution, and it's relied on community support to enhance those applications. But this project, potentially undos all of that. KTh-3

Katrina Thomas with Earth Justice and WOEIP [00:43:09] The Port has not taken community impact seriously and several of us are concerned. Even the U.S. Representative, Barbara Lee, in letters that I've distributed to some of you here today. So we ask that you do a full analysis and recirculate [microphone cuts off] KTh-4

Laura Adleman [00:43:22] Thank you. Okay. We don't currently have any speakers in the queue to provide verbal comment. Oh, I'm sorry. Sorry about that. I got out of order. I apologize. Fern, please go ahead.

Fern with the Environmental Defense Fund [00:43:47] Hi. My name is Fern, and with the Environmental Defense Fund, I won't to spell out my last name because that would take up the whole time.

Fern with the Environmental Defense Fund [00:43:55] My concern with the environmental review is the fact that I, I fear that it underestimates the environmental impact both during the constructions and especially once the widened basin becomes operable.

Fern with the Environmental Defense Fund [00:44:13] And the reason being the projected vessel numbers in the report seems to suggest efficiency gain. But the analogy that comes to mind to my mind is freeways. As many of us know, and the and transportation research shows when you widen roadways off freeways, you end up really increasing the number, the number of vehicles. FUe-1

Fern with the Environmental Defense Fund [00:44:40] And I suspect that this might be the same case here with widened basins bringing in larger number of ships, a larger number of larger ships. In addition, when you consider fewer ship calls, but those are going to be larger ships, The the air emissions of larger ships are actually also higher than smaller ships.

Fern with the Environmental Defense Fund [00:45:06] And I'm not sure that that's been taken into account adequately. So I would echo Katrina and Ms.. Margaret, that the Port really revisits and engages with the community further to relook at some of the assumptions. Thank you. FUe-2

Laura Adleman [00:45:24] For all public meetings, note that the in-person meetings have an open house format prior to the presentation. All comments must be received by 5 p.m. Pacific Time on December 18, 2023. If you are mailing comments, please account for mail delivery time to be sure that your mailed comments are received on time. Thank you again for participating today. I'd also like to thank the interpreters from International Contact for their assistance today. We will now conclude the meeting. Thank you.

PORT OF OAKLAND

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VIRTUAL MEETING #2 -
OAKLAND HARBOR TURNING BASINS WIDENING PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT

+ + + + +

TUESDAY
NOVEMBER 7, 2023

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The meeting was convened via Videoconference, at 11:00 a.m. Pacific Time, Laura Adleman, Senior Outreach and Engagement Specialist, AECOM, presiding.

PRESENT
LAURA ADLEMAN, Senior Outreach and Engagement Specialist, AECOM
KELLY BAYER, Associate Vice President, AECOM
BRYAN BRANDES, Maritime Director, Port of Oakland
KHAMLY CHUOP, Port Associate Environmental Planner/Scientist, Port of Oakland
ERIKA POWELL, U.S. Army Corps of Engineers, San Francisco District
JUSTIN TASCHEK, Senior Maritime Projects Administrator, Port of Oakland
FANNY YU, Port Associate Engineer, Port of Oakland

ALSO PRESENT
GRACIA ARROYAS, International Contact
TRISH HERRERA SPENCER
MIKE JACOB, Pacific Merchant Shipping Association
SUSAN RANSOM, SSA Terminal Oakland
WEIKUEN TANG, International Contact
MARCI VALDIVIESO, International Contact

MANDEERA WIJETUNGA

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P-R-O-C-E-E-D-I-N-G-S

11:02 a.m.

MS. ADLEMAN: Okay, well thank you so much everyone for joining us this morning.

Good morning, and welcome to this virtual meeting for the Oakland Harbor Turning Basins Widening draft environmental impact report.

Before we begin our presentation, I'd like to make sure everyone is aware of the availability of Spanish and Chinese language interpretation services.

I'd like to introduce Gracia Arroyas, who will explain the interpretation services.

MS. ARROYAS: Hello, thank you, Laura.

Hello everyone, this is Gracia from International Contact, your language host for today.

As Laura mentioned, we have Spanish and Cantonese interpreters for this meeting. And, we will start providing instructions on each language so participants who speak the languages

can select their tongue.

(Foreign language spoken.)

MS. ARROYAS: Now Weikuen, if you would like to please give the instructions in Cantonese, please.

MR. TANG: Hi. (Foreign language spoken.)

Thank you.

MS. ARROYAS: Thank you, Weikuen.

So for English, virtual participants, please also go to the English channel. And to do that, you need to click on the world icon that is in the lower part of your screen. And then select English.

If you're using a smart phone, you will find this option if you click on the three dots in the app of your screen, and then select English.

This is very important if you want to hear the interpretive comments into English in the later part of the meeting, where you will be able to provide comments.

A reminder for English speakers is to speak slowly so interpreters can keep up with you. So please keep this in mind.

And with this, I conclude the multi-language instructions. Thank you very much, and I will pass things back to Laura, thank you.

MR. TANG: The Spanish interpreter has not given oh --

MS. ARROYAS: No.

MR. TANG: Oh.

MS. ADLEMAN: Thank you very much, Gracia.

Okay, I'd also like to go over instructions for closed captioning that is available during this meeting.

If it doesn't appear automatically, you can click on the CC button, which is likely at the bottom of your screen.

For your awareness, this meeting is being recorded. We also have a court reporter who will be creating a transcript of this meeting. We will now begin our presentation.

Thank you once again for participating in this public meeting for the draft environmental impact report, for the proposed Oakland Harbor Turning Basins Widening project.

The primary purpose of this meeting is to receive public comment on the draft environmental impact report, or draft EIR.

My name is Laura Adleman, and I'm part of (audio interference) consultant team, and will be facilitating this meeting. The listed individuals here will also be speaking today.

Now I'll go over the meeting agenda. The first topic is opening remarks, and then we'll describe seaport conditions and the purpose of the proposed project, and provide an overview of other proposed project.

Next, we will review the California Environmental Quality Act, or CEQA process, and a summary of the proposed project's environmental impacts, followed by instructions on how to provide written comments during and after this meeting.

We will then open up the meeting for public comment on the draft EIR. Again, the primary purpose of today's meeting is to receive public comment on the draft EIR. Finally, we'll wrap up the meeting.

And now I'll hand it over to Mr. Brandes for his opening remarks.

MR. BRANDES: Good morning everybody, and thank you Laura, for that opening.

My name is Bryan Brandes. I'm the Port of Oakland's Director of Maritime, and I want to extend a big thank you for your time today as we walk through this report.

My goal is for you to leave this meeting with information about our proposed project, and how to participate in the draft environmental impact report process.

I'd like to start by sharing a few accomplishments the Port has achieved so far.

Since 2005, the Oakland Seaport has seen notable reductions in criteria air pollutant emissions, including an 86 percent reduction in

diesel particulate matter, or DPM emissions, and a 54 percent reduction in nitrous oxide, or NOx, emissions.

Most of these reductions are due to cleaner equipment, and vessel shore power.

Just last month, the Port received Green Maritime certification based on upon our sustainable practices in the maritime industry.

Can we move to the next slide?

Second, I'd like to emphasize the Port's commitment to becoming a zero emission seaport.

This is exemplified by many projects across the seaport, that the Port, our tenants, and our neighbors have undertaken as you can see here on this slide.

Next slide, please. As shown here, the Port was recently awarded grant funds, and is planning to submit additional grant applications to fund port projects aimed at achieving emission reductions.

The widening of the turning basin is

just one of these many projects the Port is working to deliver, as we move towards a cleaner future.

By widening the turning basins, ships will call the Port more efficiently and safely, on the path to a zero emissions seaport.

I am honored to be at the helm of the maritime division during this transformative period.

My goal is to position the Port as a leader and an innovator in efficiently servicing global trade, with the highest regard to health and safety.

It is my firm belief that widening the turning basins delivers on these commitments. I look forward to working with the community and all of our partners on this proposed project, and other projects.

We've got a lot of work to do; let's move forward and work together.

I will now hand it over to Erika Powell, with the U.S. Army Corps of Engineers.

Thank you for your time today.

(Pause.)

MS. POWELL: Thank you, Bryan.

Can everyone hear me?

MS. ADLEMAN: Yes, we can.

MS. POWELL: Okay, fantastic. Sorry about my video, it's not working properly.

So, I'm Erika Powell. I'm the project manager for the U.S. Army Corps of Engineers on this study.

I am here on behalf of the U.S. Army Corps, San Francisco District, and I want to echo Bryan's thanks to you all for joining this call to learn about the proposed project, and to provide valuable input into the environmental review process.

As Bryan mentioned, the Port is proactively undertaking innovative efforts on many fronts, to become a zero emissions seaport.

That goal will be further realized with this proposed project, which specifically includes electrified, excuse me, electrified

dredging for project construction.

The Port's willingness to fund this use of electrified dredges, demonstrates their strong commitment to minimizing emissions.

Moreover, the Port and the Corps propose to reuse all suitable material removed to widen the turning basins, for wetland restoration at existing sites around the Bay.

And this restoration will help make Bay area communities resilient to sea level rise.

Our project delivery team is proud of the efforts that the Port and the Corps proposing to undertake as part of this project to provide sustainable infrastructure solutions here in the Bay.

Thank you to the Port for their partnership and again, thank you all for providing your valuable input. We look forward to your comments and questions.

And now I'll turn it over to Justin Taschek, from the Port.

MR. TASCHEK: Thank you, Erika, and

good evening all.

My name is Justin Taschek, and I am the Port's project manager for this proposed project.

I will now provide an overview of the Port, existing conditions in the seaport, and the purpose of the proposed project.

The Port of Oakland covers 20 miles of waterfront and includes three revenue divisions. The area in blue is aviation; the area in red is commercial real estate; and, the area in green is maritime.

The maritime area, which includes approximately five miles of industrial waterfront, is the focus area for the proposed project and this meeting.

Here is the seaport area. The blue dashed line denotes the federal channel limits of the Oakland Harbor Waterway, which includes deep navigation channels and turning basins.

Turning basins act similar to a cul-de-sac on a street, and allow vessels entering

and exiting, to turn around.

Now, I would like to share a video of a vessel turning in the inner harbor turning basin.

(Video played.)

MR. TASCHEK: Here, you can see the container ship entering into the inner harbor turning basin.

And what you will notice is it is not just the ship that turns within the turning basin, it is also the support vessels that push and pull the container ship around in the turning basin, as you can see in the video.

This is sped up by 20 times its normal speed. The average length of a turning maneuver that we just witnessed, is usually around 18 minutes.

The 50-foot deepening project widened the existing turning basins for a container vessel with a length of 1,139 feet, which is equivalent to a Post-Panamax Generation 1, or PPX1 vessel.

This table shows all container vessel classes that visit the Port today. PPX1 vessels and those shorter, are able to use the existing turning basins with no restrictions.

In contrast, vessels longer than PPX1, that is the PPX2, PPX3, and PPX4 vessel classes, have restrictions when using the existing turning basins, due to their greater length.

These restrictions include scheduling transits around specific tide, current, and wind conditions, limiting transits to daylight hours, use of an additional pilot, and a required number of vessel assist tugs.

These restrictions can delay vessels from arriving or departing a berth.

In addition, vessels longer than 1,210 feet are unable to use the inner harbor turning basin at all, and are restricted to docking portside only, with their bow pointed east.

This can impact the ability for a vessel to use shore power, and depart in an emergency.

This image depicts total annual vessel visits over a 22 year period. The yellow vertical line marks the completion of the 50-foot deepening project, which resulted in the current size of the turning basins.

Following completion of the 50-foot deepening project and economic recovery from the Great Recession, the Port saw a reduction in total vessel calls.

This reduction in total vessel calls, is attributed to longer vessels, which carry more cargo, replacing multiple shorter vessels.

In this graph, vessels are grouped into two categories, shorter vessels that do not have restrictions, and longer vessels that do have restrictions.

Prior to the COVID-19 pandemic, the total number of shorter, unrestricted vessels continued its downward trend. And the total number of longer, restricted vessels trended upward.

As shown on the far right, today

greater than half of the container vessels visiting Oakland have transit restrictions.

Through September of this year, the Port has seen 406 long vessels call to Port, compared to 319 shorter vessels.

The gray shaded area depicts total cargo handled for the last 10 years, during which time cargo volume has remained relatively constant though the number of vessels has continued to decrease.

The width limitations and transit restrictions placed on vessels transiting the existing turning basins, result in transportation inefficiencies, which in turn, have cascading effects on economic, environmental, and safety considerations.

To address this, the Port has identified five project objectives, which include optimizing transit efficiencies; maintaining the Port's competitiveness; improving flexibility for use of shore power to reduce emissions while at berth; improving conditions for vessel

maneuvering and safety; and, modernizing essential waterway infrastructure to accommodate the projected increase in the frequency of longer vessel visits.

This graph compares economic factors, waterway improvements, and total cargo handled over a 20 year period.

The blue line represents total cargo handled compared to local gross domestic product, or GDP, shown with the dashed orange line.

As GDP increases, cargo volume increases. When GDP decreases, cargo volume decreases.

In fact, the average annual cargo growth rate was less after completion of the 50-foot deepening project, than before.

Imagine the future with and without this proposed project. Let's look at years 2030, 2040, and 2050.

As shown under the width project scenario, widening the turning basins allows longer vessels colored in yellow, blue, and

green, to call the seaport with increased frequency.

These large vessels are calling the Port today, and are expected to continue to do so in the future, with or without the proposed project.

The main difference in the future scenarios, is the total number of vessels that will visit the seaport.

The no project scenario will require more vessels to service trade demand, than the future with project.

The total number of container that can be handled at the seaport at a given time, is limited by constraints including availability of land, and equipment to move the containers.

Such constraints are expected to remain in the future, with or without the project.

Marine terminal operators work within these constraints and manage surges in cargo volume, such as during the holiday peak season.

Marine terminal operators are expected to continue using these management practices.

If there are less vessel calls in the future with the proposed project, what does this mean?

This graph shows a percentage reduction in criteria air pollutant emissions from vessel operations for the proposed project, compared to the no project future for years 2030, 2040, and 2050.

These reductions are a result of the decrease in total vessel visits required to meet forecasted trade demand, under the proposed project.

Now, I would like to introduce our port lead engineer, Fanny Yu, who will describe the proposed project. Fanny?

MS. YU: Thank you, Justin. The proposed project involves widening both the inner and outer harbor turning basins, to accommodate a vessel that is 1,310 feet long.

The inner harbor turning basin would

be widened by an additional 334 feet, and to a depth of 50 feet, which is consistent with the depth of the existing turning basin, and the inner harbor channel.

The purple hashed areas are where land excavation and dredging would occur on both the Oakland, or northern side of the turning basin, and on the Alameda, or southern side of the turning basin.

Two warehouses located on the Alameda side, would be partially demolished.

The red dashed lines represent new bulkhead. The new bulkhead on both the Oakland and Alameda side, would serve as a structure to separate land from water.

The new bulkhead at Radius Recycling, previously known as Schnitzer Steel, would be installed underwater to protect the stability of the shoreline at this location.

Proposed electrical infrastructure would be installed at the southeast corner of Howard Terminal to facilitate electric dredging

to reduce construction emissions for the proposed project.

The orange hatch represent the preliminary proposed construction staging areas, which would only be used if the construction work areas do not provide enough space for equipment and material storage.

The specific locations of staging areas for the inner harbor will be further refined prior to construction.

The outer harbor turning basin would be widened by 315 feet, and to a depth of 50 feet.

This would be accomplished by dredging, shown in the purple hatch, and does not require the removal of any land.

Berth 26 would be where proposed electrical infrastructure for electric dredging would be installed.

Berth 10 would be used for construction staging, and rehandling of non-hazardous dredged materials that would require

landfill disposal.

The construction duration would be approximately two years and four months, and is anticipated to start in July 2027 through November 2029.

The estimated total construction duration at each work location is listed on this slide.

Construction at Howard Terminal is estimated to take approximately 12 months, and 20 months at the Alameda site.

Notably, some of the construction activities can occur concurrently.

For the outer harbor turning basin, dredging is expected to take approximately eight months.

In total, approximately 2.5 million cubic yards of material would either be excavated or dredged.

It's estimated that about 8 percent of the material would be disposed at a landfill, and that 92 percent of the material would go towards

beneficial reuse or recycling.

Beneficial reuse is the establishment of wetlands. The benefits of reuse for a wetland establishment include creation of habitat for special status species, and supporting sea level rise adaptation efforts.

Now, I would like to introduce Khamly Chuop, Port associate environmental planner/scientist, to provide an overview of the seaport process.

MS. CHUOP: Thank you, Fanny.

The Port as the lead agency, under CEQA, the California Environmental Quality Act, is required to prepare environmental documentation in compliance with CEQA for this proposed project.

The turning basins widening project also requires approval by the U.S. Army Corps of Engineers, and is therefore, subject to a separate environmental review process in compliance with the National Environmental Policy Act, or NEPA.

The Army Corps released a revised draft of a combined integrated feasibility report and NEPA environmental assessment, in April 2023.

The purpose of the CEQA process is to enable public participation, promote coordination between government agencies, encourage informed decision making, and identify ways to minimize or avoid the significant effects of a project.

The CEQA process is prescriptive. The Port must follow the steps shown here. The first is the notice of preparation, or NOP, in which the Port published on May 31, 2022.

During the scoping period, the Port received comments and incorporated that input into the scoping and preparing of the draft EIR.

The Port published the draft EIR on Tuesday, October 3, 2023, and we are now here in the public review period for the draft EIR.

The Port initially requested public comments by November 17. On November 19, the Port extended the public review and comment period to Monday, December 18. This reflects a

77-day public review and comment period.

Under CEQA, the lead agency must allow for a minimum of 45 days for public review and comment.

The next steps following the public review and comment period are to review and consider, consider comments received, and to prepare the responses to comments, which will be included in the final EIR.

There will be public notification that the final EIR has been completed, and is available to the public prior to certification by the Board of Port Commissioners.

And now, Kelly Bayer, the environmental review lead for the Port's consultant team AECOM, will provide an overview of the draft EIR analysis and CEQA findings.

MS. BAYER: Thank you, Khamly. The draft EIR consists of an executive summary, eight chapters, and six appendices.

In particular, chapter 2 presents a detailed description of the proposed project, and

chapters 3 through 5 describe the environmental effects which may result from implementation of the proposed project and alternatives.

Appendices B through F provide supporting technical analysis for select environmental resource topics.

The draft EIR identifies thresholds of significance for each environmental resource topic, that may be impacted by implementation of the proposed project.

Impacts that are expected to reach or exceed these thresholds, are considered potentially significant.

Where feasible mitigation measures are available to reduce the level of impact to below the threshold, impacts are considered less than significant with such mitigation.

Where mitigation measures would not reduce the impact to below the threshold, or there are no feasible mitigation measures, impacts are considered significant and unavoidable.

The draft EIR found that the proposed project's construction would have significant and unavoidable impacts related to air quality and noise, and less than significant impact with mitigation on biological resources, cultural resources, including tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, and transportation.

The proposed project would have no impact, or less than significant impacts, with respect to all remaining environmental resource topics.

Construction related emissions would result from the use of construction equipment, including both land based and water based construction equipment.

Construction worker vehicle trips, and dust generation from earth moving and demolition activities.

These emissions were compared to local thresholds. All criteria pollutants except for

nitrous oxide, or NOx, would be below thresholds.

The mitigation measure for air quality, Mitigation Measure AIR-1, calls for using the cleanest construction equipment, which is Tier 4 final engines as available, and other measures to reduce dust.

However, even with implementation of this mitigation measure, NOx emissions would exceed local thresholds.

In addition, a health risk assessment was conducted to assess changes to health impacts for people during construction of the proposed project.

Health impact results were compared to local thresholds, and were found to exceed the threshold for cancer risk and PM2.5 emissions.

These exceedances would take place in existing and planned resident locations in Alameda, and within proposed resident locations at Howard Terminal.

Similar to NOx emissions, even with implementation of Mitigation Measure 1, impacts

were still above local thresholds.

Therefore, due to NOx emissions, cancer risks, and PM2.5 emissions all being above local thresholds, air quality impacts were determined to be significant and unavoidable.

Noise impacts from construction equipment expected to be used for the proposed project, were evaluated by considering the different types of construction activities, and calculated -- calculating -- construction related noise levels at nearby noise sensitive receptors.

Estimated construction noise levels indicate that exceedances of the city of Alameda exterior nighttime limits, would occur at some of the Landing at Bay 37 residential units.

Potentially impacted units would be those located within 725 feet of construction dredging activities, and within the direct line of sight of dredging activities, which are generally those that are located directly east of the Alameda warehouses slated for partial demolition. These residential units are

currently under construction.

Additionally, noise from daytime pile-driving and nighttime dredging, would also exceed local thresholds at some of the residential units proposed at Howard Terminal.

Next slide. As required under the CEQA guidelines, the draft EIR evaluated reasonable alternatives to the proposed project, including a no project alternative that represents the future without the project.

The draft EIR evaluated three alternatives. Widening the inner harbor turning basins only with electric dredges; widening the outer harbor turning basin only with electric dredges; and, widening both turning basins using diesel dredges.

For each alternative we asked two questions. First, does this alternative lessen the significant impact of the project; and second, does this alternative meet most of the project objectives.

None of the alternatives to the

proposed project both lessen the project significant impacts, and met most of the project objectives.

This concludes my summary of the draft EIR analysis and CEQA findings. Laura Adleman will now present how to provide comments on a draft EIR, and then commence the public comments session.

MS. ADLEMAN: Thank you, Kelly. There are multiple ways that you can provide comments on the draft EIR. You can provide verbal or written comments during this meeting today.

You can provide verbal or written comments during our second in-person meeting in Alameda, that will be held on November 14.

If you'd like to submit written comments online, you can use the online form at www.portofoakland.com/turningbasins.

You can also send written comments by U.S. mail to Ms. Khamly Chuop, at Port of Oakland, Environmental Programs and Planning Division, 530 Water Street, Oakland, California,

94607.

And lastly, you can email comments to turningbasins@portoakland.com. All comments must be received by 5:00 p.m. Pacific Time, on Monday, December 18, 2023.

Please account for mail delivery time to be sure your mailed comments are received on time.

If you want to provide comments during this webinar but do not want to state them verbally, you can submit your comments in writing by clicking on the chat button, which is on the toolbar at the bottom of your screen, and then typing in your comment.

Please be aware that there is a limit of about 1,000 characters for a chat message.

If you have additional comments, you can create a new chat message, or you can send in your comments via email, online, or the U.S. mail, or at the future public meeting that I mentioned earlier. I will provide that information again later in this presentation.

To provide comments verbally during this webinar, click on the raise hand button on the toolbar at the bottom of your screen. For those of you on the phone, you can dial *9 to raise your hand.

We will be calling on people in the order hands are raised. For those participants calling in by phone, we will identify you by the last three digits of your phone number.

Once your name or last three digits of your phone number have been called, staff will allow you to unmute yourself.

At that time, you will receive a notice asking you to unmute. For those online, just click on the unmute button and you will be able to talk.

For those on the phone, unmute your phone and dial *6 to speak. Once you are unmuted, please state and spell your name for the record.

In addition, if you are representing an agency or an organization, please state the

name of that agency or organization.

Each speaker will have two minutes to provide their comment. Once you have identified yourself, we will start the two minute clock, and you may provide your comments.

Each speaker is allowed one opportunity to speak, and you will not be permitted to cede your time to another person.

If you have additional comments, please submit them through the chat feature, or in one of the other ways to submit comments as described earlier.

All verbal comments will be a part of the public record for the project, and will be responded to in the final EIR.

There will not be a verbal response. Any questions will be treated as a comment, and will be part of the public record.

It's also important to remind everyone to be respectful of others, and to use appropriate language when making comments. These comments will be part of the public record for

the project.

Hate speech, threats made directly or indirectly, and/or abusive or offensive language will not be tolerated.

Anyone who fails to follow these guidelines will be asked to stop speaking.

And now we'll begin taking verbal comments. Give us a moment to see if there are any raised hands.

(Pause.)

MS. ADLEMAN: Okay. Our first speaker will be Susan Ransom. Just give us one moment here and again, a reminder to please state and spell your name before you begin speaking, as well as any agency you might represent.

One moment.

MS. RANSOM: Okay.

MS. ADLEMAN: Go ahead.

MS. RANSOM: Can you hear me?

MS. ADLEMAN: Yes, go ahead, please.

MS. RANSOM: Susan Ransom, R-A-N-S-O-M, SSA terminal, Oakland.

I would like to thank the Port of Oakland for continuing to work toward the positive outcome on the turning basin.

It is an essential component to the future of Oakland's economic engine that supports everyone near or far.

I have been on almost all of the calls regarding the turning basin and would like to address some environmental concerns over this project, that have been raised that the turning basin is creating new pollution and adding to truck traffic.

This really is not a realistic concern. The draft EIR clearly states that all dredging equipment needed to widen the turning basin, be eclectic.

And most of the dredged soil will be repurposed or disposed of via water, not by truck. As far as additional container traffic, that will be dictated by the marketplace.

The turning basin project only changes the number of ships, and types of ships, that

SRa-1

SRa-2

will be facilitating that commerce.

As far as the bigger ships are concerned, this won't bring massive amounts of additional containers.

In fact, it will consolidate cargo with the older, smaller ships being deployed elsewhere, and the newer, larger ships will be more environmentally clean coming to the port.

All of the marine terminals and the port itself, are committed to doing business on a zero emissions, and near-zero emissions at the Port, and the turning basin project is important to help us achieve these goals.

Keep in mind, the wider the turning basin, the faster and safer the ships turn. It is a win/win for Oakland, the environment, and the economy.

In addition, with all the mandates and regulations that California is putting on trucking companies to be at zero emissions and run all electric trucks, it is likely that the industry will lose about 25 percent of truck

SRa-2

SRa-3

SRa-4

SRa-5

capacity, as many won't be able to afford the new trucks.

So in fact, there will be less traffic overall, and less pollution, not more.

SSA has already invested millions of dollars towards getting to a goal of zero emissions. The vessels are already plugging into shore power, eliminating the need for diesel generators at the ports.

And, we have an environmental team within our company that is working effortlessly to, to meet the requirements of California regulations.

We are not done, but continue to advance on the goal. We are critical partners in cleaning up the Port of Oakland and ask that it be acknowledged by the time this project breaks ground, we will be one of the cleanest ports in the world. Thank you so much.

MS. ADLEMAN: Thank you for your comment. Our next speaker will be Mandeera. A reminder, just please state and spell your name

SRa-5

SRa-6

for the record. Go ahead.

MR. WIJETUNGA: Thank you so much.

Yes, my name is Mandeera Wijetunga, that is M-A-N-D double E-R-A W-I-J-E-T-U-N-G-A.

We will be also submitting written comments, so I will keep my comments very short.

But I think environmental community have a several forms of concerns. One is increasing air and climate pollution.

We know the Port of Oakland have fallen behind on the ambitious electric, electrification goals other ports in California have.

So, in this context, having more cargo capacity will eventually lead to more trucks coming in to the ports, increasing the pollution, especially in the short-term.

And, especially given the fact that west Oakland has one of the highest cancer rates in the region. And, the highest level of asthma.

That hurts -- the people who live in the west Oakland community is at increased risks,

MWi-1

and that is not acceptable.

We would also like to see more explanation from the Port where is 2.5 million cubic yards of dredging material, is going to be stored.

And also, on their presentation, there is a lot of concerns and the presentation actually discussed what needs to be done to mitigate the other environmental impacts.

And, we would like to hear from the Port's explanation what are the specific actions of mitigation that Port is trying to take to reduce the harm in other sectors, that is not highlighted through the presentation.

Again, we are looking forward to hearing about the project, and thank you so much for the Port's team for putting this presentation. Thanks.

MS. ADLEMAN: Thank you very much. Our next speaker will be Mike Jacob. Please state and spell your name for the record, then please go ahead.

MWi-1

MWi-2

MWi-3

MR. JACOB: Hi, good morning, Mike Jacob, with the Pacific Merchant Shipping Association.

We are headquartered in Oakland, and represent U.S. West Coast marine terminal operators ocean carriers, including those doing business at the Port of Oakland.

We'll be supplying written comments on the EIR, of course, but wanted to take the opportunity to support the project.

And also reinforce the comments that were just made by Susan Ransom, with respect to the overall environmental context, and support the comments made by the Port of Oakland staff in the presentation.

I think we've heard from several concerned folks in the environmental community, including the previous speaker, about generic concerns about increased air and climate emissions.

And, we just don't think that those are, are valid. Or consistent with the science.

MJa-1

MJa-2

We conducted a study, we'll be providing that in our comments as well, that actually demonstrate that if you're diverting cargo and vessel traffic away from the U.S. West Coast, the greenhouse gas emissions increase.

There is also no basis for a claim that newer vessels are going to be dirtier just because of their size.

I think it's pretty clear that they are both more environmentally friendly on a per-unit basis, just because of the economies of scale, and the emissions profile per container being lower.

But also on the whole, especially when you consider that most new builds are now looking at alternative fueling, and those types of improvements.

In addition to as Susan said, the fact that we plug in almost more vessels in Oakland, L.A., Long Beach, than anywhere else in the world.

So, we're looking forward to seeing

MJa-2

MJa-3

this project moving forward, our relationships, and we look forward to that being completely and effectively discussed in the final EIR and response to all of the comments. Thank you.

MJa-3

MS. ADLEMAN: Thank you, very much.

Okay, I'll just take a look here, and I don't see any other raised hands at the moment. We'll just give it a moment to see if there are any other folks.

Okay, our next speaker will be Trish Herrera Spencer. Please state and spell your name, and then go ahead with your comment.

MS. HERRERA SPENCER: Hi, my name is Trish Herrera Spencer, T-R-I-S-H H-E-R-R-E-R-A S-P-E-N-C-E-R. Three separate words.

I serve on the Alameda City Council, but I'm speaking in my individual capacity. And I'm just curious about the environmental impacts when you chip away at Oakland and Alameda, that you create this wider area.

TSp-1

And I'm not sure that that's been discussed, but that those are the issues I have

in regards to all of the impacts.

Alameda's a relatively small island, and how much can you chip away. But how does that impact an island in regards to I'll suggest, you know, like earthquakes.

The impact to any natural wildlife in the estuary. Animals, animals that could either be somehow, you know, on the, on the surface or somehow of Oakland also for that matter.

You know, both of them, the environmental impacts when you chip away on land like that. Thanks so much.

MS. ADLEMAN: Thank you very much.

I'll just take a look here. If you would like to make a comment, please go ahead and raise your hand using the raised hand feature at the bottom of your Zoom screen.

(Pause.)

MS. ADLEMAN: I don't see anyone in the queue at the moment.

You can also, just as a reminder, use the chat feature, and that icon is also at the

TSp-1

TSp-2

bottom of your screen.

(Pause.)

MS. ADLEMAN: We don't have any raised hands at the moment, so perhaps we'll take a pause here and we'll just come back in a few minutes. Thank you very much.

(Pause.)

MS. ADLEMAN: Okay. And just a reminder, if you would like to make a comment, please go ahead and raise your hand using the raise hand feature at the bottom of your screen.

Or you can also use the chat feature and type in a chat message for us. Also wanted to remind folks that a recording of this presentation as well as the PowerPoint slides will be posted on the project website following today's meeting. And that project website we're putting that in the chat for you as well, www.portofoakland.com/turningbasins.

And I don't see any other raised hands coming in at the moment, so we'll come back to you in just a few moments. Thank you.

(Pause.)

MS. ADLEMAN: If you would like to make a comment, please go ahead and raise your hand using the raised hand feature at the bottom of your Zoom screen.

(Pause.)

MS. ADLEMAN: I don't see anyone in the queue at the moment.

You can also, just as a reminder, use the chat feature, and that icon is also at the bottom of your screen.

(Pause.)

MS. ADLEMAN: We don't have any raised hands at the moment, so perhaps we'll take a pause here and we'll just come back in a few minutes. Thank you very much.

(Pause.)

MS. ADLEMAN: If you would like to make a comment, please go ahead and raise your hand using that raise hand feature at the bottom of your Zoom toolbar on your screen. Or you can send us a chat message. Just click on that chat

button and type in your message.

And then since we don't have any raised hands at the moment, we'll just take another pause here and come back in a few minutes. Thank you.

(Pause.)

MS. ADLEMAN: And just another reminder that if you would like to make a comment, please go ahead and raise your hand. We'll be here until the end of the meeting at 12:30 in order to accept your comments. Or you can also put in a chat comment, chat message, using that chat feature at the bottom of your screen. And also another reminder that this presentation and the PowerPoint slides along with a copy of the meeting recording will be posted on the project website following this meeting. And that website address is www.portofoakland.com/turningbasins.

(Pause.)

MS. ADLEMAN: Okay. Just one last reminder here. If you would like to make your

comment, please go ahead and raise your hand now, or you could put it in a chat message for us using that chat button that's on the bottom of your screen. If you are dialing in by phone, another reminder that you can use the *9 to raise your hand, and we can call on you from there.

And I don't see any raised hands right now, so we'll just come back in a few minutes. Thank you.

(Pause.)

MS. ADLEMAN: Okay, I think we're going to wrap things up. All right.

Thank you for participating in our public meeting today. As a reminder, if anyone missed a part of the presentation today, the meeting recording along with a copy of the PowerPoint presentation will be posted on the project website, which is www.portofoakland.com/turningbasins.

(Pause.)

MS. ADLEMAN: If you would like to make a comment, please go ahead and raise your

hand using the raise hand feature at the bottom of your Zoom toolbar on your screen. Or you can send us a chat message, just click on that chat button and type in your message.

And, since we don't have any raised hands at the moment, we'll just take another pause here and come back in a few minutes. Thank you.

(Pause.)

MS. ADLEMAN: And just another reminder that if you would like to make a comment, please go ahead and raise your hand. We'll be here until the end of the meeting at 12:30 in order to accept your comments, or you can also put in a chat comment, a chat message, using the chat feature at the bottom of your screen.

And also, another reminder that this presentation, the PowerPoint slides, along with a copy of the meeting recording will be posted on the project website following meeting. And that website address is

www.portofoakland.com/turningbasins.

And I'm not seeing any raised hands at the moment, so we'll take another pause here and we'll come back in just a few minutes. Thank you.

(Pause.)

MS. ADLEMAN: Just one last reminder here. If you would like to make your comment, please go ahead and raise your hand now. Or you could put it in a chat message for us, using that chat button that's on the bottom of your screen. If you are dialing in by phone, another reminder that you can use the star-9 to raise your hand and we will call on you from there.

And I don't see any raised hands right now, so we'll just come back in a few minutes. Thank you.

(Pause.)

MS. ADLEMAN: Okay, I think we're going to wrap things up. All right, thank you for participating in our public meeting today. As a reminder, if anyone missed a part of the

presentation today, the meeting recording, along with a copy of the PowerPoint presentation, will be posted on the project website which is www.portofoakland.com/turningbasins.

I also want to remind everyone how to provide comments on the draft EIR. You can send an email to turningbasins@portofoakland.com, you can use the online form found on the project website, which is www.portofoakland.com/turningbasins, or you can send comments by US Mail to Ms. Khamly Chuop at Port of Oakland Environmental Programs and Planning Division 530 Water Street Oakland, California 94607.

You can also participate in the remaining public meeting. We will have a second in-person meeting in Alameda, scheduled for Tuesday, November 14. Our presentation will be the same for all public meetings, however note that the in-person meetings have an open house format prior to the presentation.

All comments must be received by 5:00

p.m. Pacific Time on December 18, 2023. If you are mailing comments, please account for mail delivery time to re-ensure that your mailed comments are received on time.

Thank you again for participating today. I would also like to thank the interpreters from International Contact and the Court Reporter for their assistance today.

We will now conclude the meeting. Thank you very much.

(Whereupon, the above-entitled matter went off the record at 12:30 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

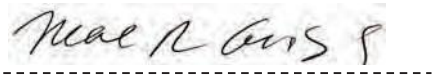
In the matter of: Oakland Harbor Turning Basins
Draft Environmental Impact Statement

Before: Port of Oakland

Date: 11-07-23

Place: videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate DPNQMFUF record of the proceedings.



Court Reporter

Port of Oakland
Turning Basin Draft EIR Public Meeting Transcript
November 14, 2023

Unidentified [00:00:00] Would be great. Please make your way down. You want to know?

Unidentified [00:01:06] If you just want to share that when you do that.

Unidentified [00:01:09] Sure. And just to let you know, we do have some coffee that has just arrived in the food area.

Unidentified [00:01:18] Coffee's good. Coffee's good. Please grab some. Yes.

Unidentified [00:01:35] She's here in the front row.

Unidentified [00:01:36] Okay.

Unidentified [00:01:37] So I got you. Yeah. Yeah.

Unidentified [00:01:42] I. Mm hmm. All right. We're going to get started in just a moment, so make your way over to the seats. That would be great. All right. I think we'll go ahead and get started.

Laura Adleman [00:02:56] Good evening, everyone. And welcome to this community meeting for the Oakland Harbor Turning Basin's widening Draft Environmental Impact Report. This meeting consists of a presentation followed by a public comment session.

Laura Adleman [00:03:15] Please fill out a speaker card if you would like to speak during the public comment session. Speaker Cards are available at the check-in table located at the front entrance. We also have Spanish and Cantonese language interpretation services available this evening.

Laura Adleman [00:03:30] I'll now turn it over to our Spanish and Cantonese interpreters who will explain the interpretation services.

Spanish Interpreter [00:03:42] [Spanish Interpreter speaks.]

Cantonese Interpreter [00:04:09] [Cantonese Interpreter speaks.] Thank you.

Laura Adleman [00:04:32] Thank you, interpreter team. I'd also like to inform everyone that we are video recording the presentation and the verbal comment session tonight. We will be posting the recording on the project website along with a copy of the PowerPoint presentation.

Laura Adleman [00:04:51] And we'll now begin our presentation. Thank you again for participating in this public meeting for the Draft Environmental Impact Report for the proposed Oakland Harbor Training Basins Widening project.

Laura Adleman [00:05:03] The primary purpose of this meeting. Is to receive public comment on the draft environmental impact report or Draft EIR. My name is Laura

Adelman and I'm part of the project's consultant team and will be facilitating this evening's meeting.

Laura Adleman [00:05:19] The listed individuals here will also be speaking this evening and I will go over the meeting agenda. The first topic is opening remarks, and then we'll describe seaport conditions and the purpose of the proposed project and provide an overview of the proposed project.

Laura Adleman [00:05:38] Next, we will review the California Environmental Quality Act or sequel process, and a summary of the proposed project's environmental impacts. Followed by instructions on how to provide written comments during and after this meeting.

Laura Adleman [00:05:54] We will then open up the meeting for public comment. On the Draft EIR. Again, the primary purpose of today's meeting is to receive public comment on the Draft EIR. Finally, we'll wrap up the meeting and now I'll hand it over to Mr. Brandes for his opening remarks.

Brian Brandes [00:06:15] Thank you very much. And good evening, everybody. My name is Brian Brandes. I'm the Port of Oakland's Maritime Director. And first of all, I want to thank you all very much for spending some time with us tonight.

Brian Brandes [00:06:28] I know it's a you know, you could be at home, you know, spending time with your family. So thank you guys so much for spending time with us. I also want to extend a thank you to the Port team and the Army Corps team for for putting all this out. There's a lot of people here and and really appreciate that.

Brian Brandes [00:06:45] Everybody loves a churro, so if you haven't had one, grab one. So thank you. My goal tonight is, is is. Really for you to, you know, to leave this meeting with with information about our proposed project and how to participate in the Draft Environmental Impact Report process.

Brian Brandes [00:07:04] I'd like to start by sharing a few accomplishments the port has achieved so far. Since 2005, the Oakland Seaport has seen a notable reduction in criteria air pollutants emissions, including an 86% reduction in diesel particulate matter or DPM, and a 54% reduction in nitrous oxide or NOx emissions.

Brian Brandes [00:07:28] Most of these reductions are due to cleaner equipment and vessels plugging in to shore power. Just last month, the port received a Green Marine certification based on sustainable practices in the maritime industry.

Brian Brandes [00:07:44] With this slide, I'd like to emphasize the Port's commitment to becoming a zero emissions seaport. I'm not going to go over every one of these projects, but you can see there's a lot of projects going on in the Port and there's a lot of work being done by a lot of the people in this room to transition this Port to a zero emission seaport, working with each one of our tenants.

Brian Brandes [00:08:03] So thank you all. And for those attending, the tenants attending here tonight. Next slide, please. [unknown word]. As shown here, the Port has been

recently awarded a significant amount of grant funding and planning to submit additional grant applications as they become available.

Brian Brandes [00:08:23] And almost every one of these projects you know, has a component at reducing emissions throughout the seaport. The widening of the Turning Basins is one of these many projects. And by widening efficiently and safely and on the path towards a zero emission seaport, I am honored to be at the helm of the Maritime Division during this transformative period.

Brian Brandes [00:08:46] My goal is to position the port as a leader, an innovator in efficiently servicing global supply, trade with, excuse me, with the highest regard to health and safety. It is my firm belief that widening the Turning Basin delivers on all of these commitments.

Brian Brandes [00:09:02] I look forward to working with the community and our partners on this proposed project and in other future endeavors. We've got a lot of work to do. We've got a great group to help us do it. And I look forward to getting it done. So thank you. And I'm now going to turn it over to Erika Powell who is with the U.S. Army Corps of Engineers.

Erika Powell [00:09:30] Hello, everyone. Thank you, Brian. Good evening, everyone. My name is Erika Powell, and I'm here on behalf of the U.S. Army Corps of Engineers this evening. And I want to echo Brian's thanks to you all for joining us this evening.

Erika Powell [00:09:46] We know we're taking you away from your families, from your clubs and other things that you know you enjoy doing. So thank you so much for being here. We appreciate you providing valuable input into the environmental review process.

Erika Powell [00:10:03] As Brian mentioned, the port is proactively undertaking innovative efforts. Too many fronts to become a zero emissions seaport. That goal will be further realized with this project.

Erika Powell [00:10:24] Sorry. Trying to clear my voice.

Erika Powell [00:10:27] Which specifically includes electrified dredging. Sorry. The port's willingness to fund this use of electrified dredging demonstrates their strong commitment to minimizing emissions.

Erika Powell [00:10:47] Moreover, the Port and the Corps proposed three use all suitable material remove to widen the Turning Basins for wetlands restoration at existing sites around the bay, and this restoration will help make the Bay Area communities resilient to sea level rise.

Erika Powell [00:11:08] I was actually raised in New Orleans, so I know a little bit about being around a port, and so I'm very proud of the efforts that the Port and the Corps of Engineers are proposing to undertake. And I just want to say thank you so much for being here tonight.

Erika Powell [00:11:34] I think this project is very important to provide a sustainable infrastructure solutions in the Bay. And again, thank you to the Port for your partnership

and for everyone here being tonight. So really appreciate everyone. I hope you enjoy the rest of the presentation. Thank you.

Laura Adleman [00:12:04] Thank you, Erica. And now Justin Patrick will provide some background on the Port and an overview of the proposed project.

Justin Taschek [00:12:17] See if I can. Manipulate this a little bit. Okay. Get this up here so everybody can hear. Okay. All right.

Justin Taschek [00:12:25] Welcome. My name is Justin Tasha. I'm the Project Manager for the proposed project. And I want to walk through some slides here together. So thank you. Good evening, all.

Justin Taschek [00:12:34] The Port of Oakland covers 20 miles of waterfront and includes three revenue divisions. The area in blue is aviation. The area in red is commercial real estate. And the area in green is the seaport.

Justin Taschek [00:12:47] The seaport includes approximately five miles of industrial waterfront. And is the focus of the proposed project at our meeting tonight. Here is the seaport area. The blue dashed line denotes the federal channel limits of the Oakland Harbor Waterway, which includes deep draft navigation channels and turning basins.

Justin Taschek [00:13:10] Turning basins acts similar to a cul de sac on a street and allow vessels entering and exiting to turn around. Now I would like to share a video of a vessel turning in the Inner Harbor Turning Basin.

Justin Taschek [00:13:25] So you can see the vessel entering into the Inner Harbor Turning Basin. You can witness here in the video the tugs assisting the vessel. So it is not just the vessel that turns itself, it is four assist tugs in this video pushing and pulling the vessel around in the Inner Harbor Turning Basin.

Justin Taschek [00:13:46] This is sped up by about 20 times the normal duration, 18 to 20 minutes for that turning evolution. There in the video.

Justin Taschek [00:13:58] The 50 foot project widened the existing turning basins for a container vessel with a length of 1139ft, which is equivalent to a post-panamax generation 1 or PPX1 vessel. This table shows all container vessel classes that visit the Port today.

Justin Taschek [00:14:18] PPX1 vessels and those shorter are able to use the existing turning basins with no restrictions. In contrast, vessels longer than PPX1. That is the PPX2, PPX3 and PPX4 vessel classes have restrictions when using the existing turning basins due to their greater length.

Justin Taschek [00:14:43] These restrictions include scheduling transits around specific tide, current and wind conditions limiting transits to daylight hours. Use of an additional pilots. And a required number of vessel assist tugs.

Justin Taschek [00:15:01] These restrictions can delay vessels from arriving or departing a berth. In addition, vessels longer than 1210ft in length are unable to use the Inner harbor Turning Basin and are restricted to docking port side only with their bow pointed east.

Justin Taschek [00:15:20] This can impact the vessel's ability to use shore power or depart in an emergency. This image depicts total annual vessel visits over a 22 year period. The yellow vertical line marks the completion of the 50 foot deepening project, which resulted in the current size of the turning basins.

Justin Taschek [00:15:42] Following completion of the 50 foot deepening project and economic recovery from the Great Recession, the port saw a reduction in total vessel calls. This reduction in total vessel calls is attributed to longer vessels which carry more cargo, replacing multiple shorter vessels.

Justin Taschek [00:16:05] In this graph, vessels are grouped into two categories. Shorter vessels that do not have restrictions and longer vessels that do have restrictions prior to the Covid 19 pandemic. The total number of shorter, unrestricted vessels continued its downward trend. And the total number of longer restricted vessels trended upward.

Justin Taschek [00:16:29] As shown on the far right today, greater than half of the container vessels visiting Oakland have transit restrictions. Through September of this year, the Port has seen 406 long vessel calls to the Port, compared to 319 shorter vessels.

Justin Taschek [00:16:49] The gray shaded area depicts total cargo handled for the last ten years, during which time cargo volume has remained relatively constant, though the number of vessels has continued to decrease.

Justin Taschek [00:17:05] The width limitations and transit restrictions placed on vessels transiting the existing turning basins results in transportation inefficiencies, which in turn have cascading effects on economic, environmental and safety considerations.

Justin Taschek [00:17:22] To address this, the Port has identified five project objectives, which include optimizing transit efficiencies, maintaining the port's competitiveness. Improving flexibility for use of shore power to reduce emissions while at Earth, improving conditions for vessel maneuvering and safety. And modernizing essential waterway infrastructure to accommodate the projected increase in the frequency of longer vessel visits.

Justin Taschek [00:17:56] This graph compares economic factors, waterway improvements and total cargo handled over a 20 year period. The blue line represents total cargo handled compared to local gross domestic product or GDP. Shown with the dashed orange line as GDP increases. Cargo volume increases as GDP decreases. Cargo volume too decreases.

Justin Taschek [00:18:25] In fact, the average annual cargo growth rate was less after completion of the 50 foot project than before. Imagine the future with and without this proposed project. Let's look at years 20, 30, 2040, and 2050.

Justin Taschek [00:18:43] As shown under the Width Project Scenario widening the turning basins allows longer vessels colored in yellow, blue and green to call to seaport with increased frequency. These long vessels are calling the Port today and are expected to continue to do so in the future with or without the proposed project.

Justin Taschek [00:19:08] The main difference in the future scenarios is the total number of vessels that will visit the seaport. The no project scenario will require more vessels to service trade demand than the future with project.

Justin Taschek [00:19:24] The total number of containers that can be handled at the seaport at a given time is limited by constraints including availability of land and equipment to move the containers. Such constraints are expected to remain in the future, with or without the project.

Justin Taschek [00:19:42] Marine terminal operators work within these constraints and manage surges in cargo volume today, such as during the holiday peak season. Marine terminal operators are expected to continue using these management practices in the future.

Justin Taschek [00:19:59] If there are less vessel calls in the future with the proposed project. What does this mean? This graph shows the percent reduction in criteria air pollutant emissions from vessel operations for the proposed project compared to the no project future for years 2030, 2040, and 2050.

Justin Taschek [00:20:21] These reductions are a result of the decrease in total vessel visits required to meet forecasted trade demand under the proposed project. Now I would like to introduce my counterpart, Port Engineer Fanny Yu, who will describe the proposed project.

Fanny Yu [00:20:47] Thank you, Justin. The proposed project involves widening both the Inner and Outer Harbor Turning Basins to accommodate a vessel that has 1310ft long. The Inner Harbor Turning Basin would be widened by an additional 334ft and to a depth of 50ft, which is consistent with the depth of the existing Turning Basin and the Inner Harbor channel.

Fanny Yu [00:21:16] The purple patch areas over land excavation and dredging would occur on both the Oakland or northern side of the Turning Basin and on the Alameda or southern side of the Turning Basin.

Fanny Yu [00:21:32] Two warehouses located on the Alameda side would be partially demolished. The red dashed lines represent new bulkhead. The new bulkhead on both the Oakland and Alameda side would serve as a structure to separate land from water.

Fanny Yu [00:21:53] The new bulkhead at Radius Recycling, previously known as Schnitzer Steel, would be installed underwater to protect the stability of the shoreline at this location. Proposed electrical infrastructure would be installed at the southeast corner of Howard Terminal to facilitate electric dredging to reduce construction emissions for the proposed project.

Fanny Yu [00:22:19] The orange hatch represents the preliminary proposed construction staging areas, which would only be used if the construction work areas do not provide enough space for equipment and materials storage.

Fanny Yu [00:22:34] The specific locations of the staging areas for the Inner Harbor will be further refined prior to construction. The Outer Harbor Turning Basin would be widened by 315ft and to a depth of 50ft.

Fanny Yu [00:22:53] This would be accomplished by dredging, shown in the purple hatch, and does not require the removal of any land. Berth 26 would be where proposed electrical infrastructure for electric dredging would be installed.

Fanny Yu [00:23:10] Berth 10 would be used for construction, staging and re-handling of non-hazardous dredge materials that require landfill disposal. The construction duration would be approximately two years and four months and is anticipated to start in July 2027 through November 2029.

Fanny Yu [00:23:34] The estimated total construction duration at each work location is shown on this slide. Construction at Howard Terminal is estimated to take approximately 12 months and 20 months at Alameda site.

Fanny Yu [00:23:49] Notably, some of the construction activities can occur concurrently. For the Outer Harbor Turning Basins dredging is expected to take approximately eight months.

Fanny Yu [00:24:04] In total, approximately 2,500,000 cubic yards of material would either be excavated or dredged. It's estimated about 8% of the material would be disposed at a landfill and 92% of the material would go towards beneficial reuse or recycling.

Fanny Yu [00:24:24] Beneficial re-use is the establishment of wetlands. The benefits of reuse for wetland establishment include creation of habitat for special status species and supporting sea level rise adaptation efforts.

Fanny Yu [00:24:39] Now I would like to introduce Khamly Chuop, Port Associate Environmental Planner/Scientist to provide an overview of the CEQA process.

Khamly Chuop [00:24:52] Thank you, Fanny. The Port, as the CEQA lead agency is required to prepare environmental documentation in compliance with CEQA for this proposed project.

Khamly Chuop [00:25:05] The Turning Basins widening project also requires approval by the U.S. Army Corps of Engineers and is therefore subject to a separate environmental review process in compliance with the National Environmental Policy Act, or NEPA.

Khamly Chuop [00:25:22] The Army Corps released a revised draft of a combined Integrated Feasibility Report and NEPA Environmental Assessment in April 2023.

Khamly Chuop [00:25:35] The purpose of CEQA of the CEQA process is to enable public participation, promote coordination between government agencies, encourage informed decision making, and identify ways to minimize or avoid the significant effects of a project.

Khamly Chuop [00:25:57] The CEQA process is prescriptive. The Port must follow the steps shown here. The first is the notice of preparation or NoP, which the port published in

May 31st. On May 31st, 2022. During the scoping period, the Port received comments and incorporated that input into the scoping and preparing of the Draft EIR.

Khamly Chuop [00:26:27] The port published the Draft EIR on Tuesday, October 3rd, 2023, and we are now here in the public review period for the Draft EIR. The Port initially requested public comments by November 17th.

Khamly Chuop [00:26:45] On October 19th, the Port extended the public review and comment period to Monday, December 18th, 2023. This reflects a 77 day public review and comment period under CEQA the lead agency must allow for a minimum of 45 days for public review and comment.

Khamly Chuop [00:27:06] The next steps following the public review period are to review and consider comments received and to prepare the responses to comments which will be included in the Final EIR. There will be public notification that the Final EIR has been completed and is available to the public prior to certification by the Board of Port Commissioners.

Khamly Chuop [00:27:29] And now I'd like to introduce Kelly Bayer, the environmental review leader from the port's consultant team at Aecom, who will provide an overview of the Draft EIR and CEQA findings.

Kelly Bayer [00:27:48] Thank you, Camile. The Draft EIR consists of an executive summary, eight chapters and six appendices. In particular, Chapter two presents a detailed description of the proposed project and chapters three through five describe the environmental effects which may result from implementation of the proposed project and alternatives.

Kelly Bayer [00:28:11] Appendices B through F provide supporting technical analysis for select environmental resource topics. The Draft EIR identifies thresholds of significance for each environmental resource topic that may be impacted by implementation of the proposed project.

Kelly Bayer [00:28:30] Impacts are expected to reach, impacts that are expected to reach or exceed these thresholds are considered potentially significant. Where feasible mitigation measures are available to reduce the level of impact to below the threshold, impacts are considered less than significant with such mitigation.

Kelly Bayer [00:28:52] Where mitigation measures would not reduce the impact to below the threshold, or there are no feasible mitigation measures, impacts are considered significant and unavoidable.

Kelly Bayer [00:29:05] The Draft EIR found that the proposed project's construction would have significant and unavoidable impacts related to air quality and noise, and less than significant impacts with mitigation on biological resources, cultural resources, including tribal/cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality and transportation.

Kelly Bayer [00:29:39] The proposed project would have no impact or less than significant impacts with respect to all remaining environmental resource topics.

Kelly Bayer [00:29:50] Construction related emissions would result from the use of construction equipment, including both land based and water based construction equipment, construction worker vehicle trips and dust generation from earthmoving and demolition activities.

Kelly Bayer [00:30:08] These emissions were compared to local thresholds. All criteria air pollutants, except for nitrous oxide or NOx would be below thresholds. The mitigation measure for air quality mitigation measure AIR-1 calls for using the cleanest construction equipment, which is Tier 4 final engines as available, and other measures to reduce dust.

Kelly Bayer [00:30:34] Even with implementation of this mitigation measure, NOx emissions would be exceed local thresholds. In addition, a health risk assessment was conducted to assess changes to health impacts for people during construction of the proposed project.

Kelly Bayer [00:30:53] Health impact results were compared to local thresholds and were found to exceed the threshold for cancer risk and PM 2.5 emissions. These exceedances would take place in existing and planned resident locations in Alameda and within proposed resident locations at Howard Terminal.

Kelly Bayer [00:31:15] Similar to NOx emissions. Even with implementation of mitigation measure AIR-1 impacts were still above local thresholds. Therefore, due to NOx emissions, cancer risk and PM 2.5 emissions all being above local thresholds, air quality impacts were determined to be significant and unavoidable.

Kelly Bayer [00:31:40] Noise impacts from construction equipment expected to be used for the proposed project were evaluated by considering the different types of construction activities and calculating construction related noise at nearby noise sensitive receptors.

Kelly Bayer [00:31:58] Estimated construction noise levels indicate that exceedances of the city of Alameda exterior nighttime limits would occur at some of the Landing at Bay 37 residential units. Potentially impacted units would be those within 725 feet of construction, dredging activities and within the direct sign of light, line of sight of dredging activities.

Kelly Bayer [00:32:25] Which are generally those that are located directly east of the Alameda warehouses, for, slated for partial demolition. These residential units are currently under construction.

Kelly Bayer [00:32:38] Additionally, noise from daytime pile driving and nighttime dredging would also exceed local thresholds at some of the residential units proposed at Howard Terminal. As required under the CEQA guidelines. The Draft EIR evaluated reasonable alternatives to the proposed project, including a no project alternative that represents the future without the project.

Kelly Bayer [00:33:08] The Draft EIR evaluated three alternatives: widening the Inner Harbor Turning Basin only with electric dredges, widening the Outer Harbor Turning Basin only with electric dredges, and widening both turning basins using diesel dredges.

Kelly Bayer [00:33:27] For each alternative we asked two questions: Does this alternative lessen the significant impact of the project? And second, does this alternative meet most of the project objectives? None of the alternatives to the proposed project both lessen the project's significant impacts and met most of the project objectives.

Kelly Bayer [00:33:50] This concludes my summary of the Draft EIR Analysis and CEQA findings. Laura Adelman will now present how to provide comments on the Draft EIR and then commence the public comment session. Thank you.

Laura Adleman [00:34:11] Thank you, Kelly.

Laura Adleman [00:34:15] There are multiple ways that you can provide comments on the Draft EIR. You can provide written comments using a comment card. The comment cards are located at the check-in table. Or we also have some at some of these small tables here.

Laura Adleman [00:34:30] If you'd like to submit it, as we mentioned earlier, you can fill out a speaker card and provide verbal comments during tonight's public comment session.

Laura Adleman [00:34:40] If you'd like to submit written comments online, you can use the online form at www.portofoakland.com/turningbasins. You can also send written comments by U.S. Mail to Ms. Khamly Chuop at Port of Oakland Environmental Programs and Planning Division 530 Water Street, Oakland, California, 94607.

Laura Adleman [00:35:03] And lastly, you can email comments to turningbasins@portoakland.com. All comments must be received by 5 p.m. Pacific Time on Monday, December 18th, 2023. Please account for mail delivery time to be sure your mailed comments are received on time.

Laura Adleman [00:35:23] To provide comments on the Draft EIR verbally please fill out a speaker card available at the check in table. We will call on speakers in the order of when the speaker cards are received.

Laura Adleman [00:35:35] Once your name has been called as a speaker, please indicate your location so that our team member can bring the microphone over to you. Before providing your comment. Please state and spell your name for the record.

Laura Adleman [00:35:47] In addition, if you are representing an agency or an organization, please state the name of that agency or organization. As a reminder, interpretation services are available in Spanish and Cantonese.

Laura Adleman [00:36:01] Each speaker will have two minutes to provide their comment. Once you have identified yourself, we'll start the two minute clock and you may provide your comments. For speakers needing interpretation services four minutes will be allocated.

Laura Adleman [00:36:15] Each speaker is allowed one opportunity to speak and you will not be permitted to cede your time to another person. If you have additional comments, please submit them through one of the other ways to submit comments as described earlier.

Laura Adleman [00:36:31] All [unclear word] Comments will be part of the public record for the project and will be responded to in the Final Environmental Impact Report. There will not be a verbal response. Any questions will be treated as a comment and will be part of the public record.

Laura Adleman [00:36:44] It's also important to remind everyone to be respectful of others and to use appropriate language when making comments. These comments will be part of the public record for the project. Hate speech threats made directly or indirectly and/or abusive or offensive language will not be tolerated. Anyone who fails to follow these guidelines will be asked to stop speaking.

Laura Adleman [00:37:06] Can I have the speaker cards, please? Thank you very much. Okay. We currently have six speakers in our queue and the first three speakers will be Bobby Winston, Miss Margaret and Susan Ransom. I apologize, Miss Margaret Gordon.

Laura Adleman [00:37:47] Okay. Our first speaker then will be Bobby Winston. And now we will take our first speaker. And once again, just a reminder, please state and spell your name for the record. Thank you very much.

Bobby Winston [00:38:04] Hi, I'm Bobby Winston. I'm a long time Alameda resident. I'm one of the founders of the, one of the founders of the Regional Ferry service. I'm involved in multiple waterfront businesses. I'm on the board of the San Francisco Marine Exchange.

Bobby Winston [00:38:22] And I'm also part of the Working Waterfront coalition. This is a regional effort to train up the next generation of waterfront workers. I do business with Bay Ship here in Alameda, and I'm pleased to say that we engaged with the Port of Oakland on this topic of the turning basin.

Bobby Winston [00:38:41] And i, i, i pay kudos to the Port of Oakland. They were very responsive, very accommodating to the concerns that we raised. We feel they've been they've been satisfied. I also want to go further and recognize that the Port of Oakland has been stand up with our efforts to train up the next generation of waterfront workers, reentry people, people of color, nontraditional workers.

Bobby Winston [00:39:10] You know, it's important to remember that the working waterfront is it whatever it's past, is an essential part of climate change. You know, by the law of physics, you cannot address climate change without the working waterfront. So it's very important to support projects like this. And I hope you'll all join me in doing so. Thank you.

BWi-1

Laura Adleman [00:39:34] Thank you very much. Our next speaker will be Miss Margaret Gordon.

Margaret Gordon [00:39:43] Hi, my name is Ms. Margaret Gordon. I am one of the founders and a co-director of the West Oakland Environmental Indicators Project. I live less than a mile away from the entrance and exit to the Port of Oakland.

MGo-4V

Margaret Gordon [00:39:57] My comment is why is this EIR based on construction and not operations? Nobody does not want - not one slide shows what will happen to - once these trucks and the containers deploy into West Oakland? What would that look like?

Margaret Gordon [00:40:17] I think it's very disingenuous that you only talk about the construction. You're not talking about operations and impacts that it will have on the streets of West Oakland and our freeways. Not to also, the fact that and as of right now, you have less than 20 electric trucks coming through West Oakland.

Margaret Gordon [00:40:38] And you have and you have no real plan to have 100% trucks coming from the Port of Oakland once you deploy this project. So there is some this very inconsistency. Like you said unavoidable, significant impacts. Yes. When it comes down to operation.

Margaret Gordon [00:40:56] And you can't, you have not explained, made any facts figures to explain how you will not have those impacts to operations. And you need to be finding ways to to support, not having impacts into the West Oakland community. I'm not hearing any of that. I don't see a slide. All you talk about right now is the construction piece. We need to know about what has happened to the operations.

MGo-4V

Laura Adleman [00:41:31] Thank you very much. Our next speaker is Susan Ransom.

Susan Ransom [00:41:36] [unintelligable].

Laura Adleman [00:41:36] Sure. Sure.

Susan Ransom [00:41:46] So Susan Ransom, SSA Terminal. I'd like to thank the Port of Oakland, Alameda and the Army Corps of Engineers to continuing to work towards a positive outcome for the Turning Basin. It is an central component to the future of the overall economic engine and that supports everyone near and far.

SRa-7

Susan Ransom [00:42:04] I've been on almost all these calls on the Turning Basin and would like to address some environmental concerns over the project that have been raised that the Turning Basin is creating new pollution and adding to truck traffic.

Susan Ransom [00:42:16] That is not a realistic concern. The Draft EIR clearly states of all dredging equipment it is to widen the Turning Basin will be electric and most of the dredge soil will be repurposed or disposed of via water, not by truck.

SRa-8

Susan Ransom [00:42:29] As far as additional container traffic that'll be dictated by the marketplace. The Turning Basin project only changes the number of ships and types of ships that will be facilitated in that commerce.

Susan Ransom [00:42:41] As far as the bigger ships are concerned, they won't bring massive amounts of additional containers. In fact, it will consolidate cargo with the older, smaller ships being deployed elsewhere, and the newer, larger ships will be more environmentally clean coming to the Port.

Susan Ransom [00:42:56] All of the maritime terminals in the Port itself are committed to doing business on zero emissions and near zero emissions based at the Port and the

SRa-9

Turning Basin Project is important to help us achieve these goals. I'm sorry, my, I'm losing my voice. I've had a long day. SRa-9

Susan Ransom [00:43:12] Keep in mind the wider the Turning Basin, the faster and safer the ships turn. It is a win win for the environment and the economy. SRa-10

Susan Ransom [00:43:20] In addition, with all the mandates and regulations that California is putting on the trucking companies to be at zero emissions and run all electric trucks, it is likely the industry will lose about 25% of truck capacity as many won't be able to afford the new trucks. SRa-11

Susan Ransom [00:43:36] So in fact, there will be less traffic overall and less pollution, not more. SSA has already invested millions of dollars towards getting to the goal of zero emissions and the vessels are already plugging in to shore power, eliminating the need for diesel generators at the ports.

Susan Ransom [00:43:51] And we have environmental team within our company that is working endlessly with the Port and all others to meet the challenge of new california regulations. We are not done, but continue to advance the goal. Thank you. SRa-12

Laura Adleman [00:44:06] Thank you very much. Our next three speakers will be Mark Manes, Brett Andrews and Janice Hunter. Mark Manes, please. Sure. Yep.

Mark Manes [00:44:24] So my name is Mark Manes. [spells name] And I represent the San Francisco Bar pilots. For those of you don't know, we're the people that actually drive the ships in and out of the Port. So we're the ones who actually will benefit from the space and along with all of you.

Mark Manes [00:44:44] I'm also a very long time Alameda resident. I live here still. We 100% support this project. I agree with everything that Justin explained on the project. For us as pilots, it will make our operation much safer and also much more efficient, resulting in less delays, which would then involve idling ships in the Anchorage or idling ships off shore. MMa-1

Mark Manes [00:45:13] We would have a larger windows that we would be able to move those ships. And overall, it would be much, much, much more efficient. We'd be able to get the ships out and ships in in in higher wind and with with a much greater degree of safety.

Mark Manes [00:45:31] Currently on the 1200 foot ships with a 1500 foot base and you can do the math, we don't have a lot of extra space. It requires us to put two pilots on board, four tugboats, and we have to put on special electronic equipment to to turn these ships.

Mark Manes [00:45:48] So with a bigger basin we would have a much, much, much greater safety margin in moving these ships. So we are, bar pilots are 100% in support of of widening both bases. Thank you.

Laura Adleman [00:46:05] Thank you very much. Our next speaker will be Brett Andrews.

Bret Andrews [00:46:15] Oh. Thank you for having me. I'm Bret Andrews. [spells name] And I'm with Physicians for Social Responsibility, Bay Area. And mirroring Ms. Margaret Gordon's comments, there is a concern of increased traffic.

BAn-2

Bret Andrews [00:46:38] Like a freeway if you add another lane, you can have a lot more movement. And the reduction of emissions could take at least a decade to substantially convert to electric. So West Oakland suffers disproportionately from emissions.

Bret Andrews [00:47:01] They have a huge burden of diesel that's been going on for decades and continues. There has been some improvement, but we need more. And so the argument is we have to emphasize reducing air pollution.

Bret Andrews [00:47:18] Diesel emissions produce significant increases over regular engines and nitrogen oxides. These cause ozone, ground level ozone or bad ozone, which creates asthma and lung disease. In West Oakland, new cases of childhood asthma are two to, half are due to air pollution.

BAn-3

Bret Andrews [00:47:47] Whereas in the Oakland Hills, which is 70% white as opposed to 70% black, asthma, new asthma cases due to air pollution is only 1 in 5. The PM 2.5 from emissions has major health effects.

Bret Andrews [00:48:10] Basically, diesel is carcinogenic and PM 2.5 causes asthma, chronic lung disease, lung cancer, stroke, heart attack, dementia and premature birth and low birth weights. Please emphasize reducing air pollution.

Laura Adleman [00:48:34] Thank you very much. Our next speaker is Janice Hunter.

Janice Hunter [00:48:46] Good evening. My name is Janice Hunter. [spells name] And I'm on the staff of the West Oakland Environmental Indicators Project, and I'd like to share with you a letter dated October 25th, 2023, written to the Port of Oakland and the Army Corps of Engineers regarding inquiries on Oakland Harbor Turning Basin Widening project.

Janice Hunter [00:49:20] "I write regarding the future of the Oakland Harbor Turning Basins Widening project currently being undertaken by the Port of Oakland and the United States Army Corps of Engineers and subjected to the analysis mandated under the California Environmental Quality Act, CEQA and the National Environmental Policy Act, NEPA.

JHu-1

Janice Hunter [00:49:44] Specifically for the CEQA analysis currently being conducted by the Port of Oakland, I would like to see a comprehensive public engagement plan for this project." [unclear] Okay. Okay. "Inclusive of an assessment of how the project could impact traffic congestion and pollution.

Janice Hunter [00:50:18] Many of my constituents, including organizations such as Earthjustice and the West Oakland Environmental Indicators Project, have concerns that the current Draft Environmental Impact Report draft report conducted for the project by the Port of Oakland is inadequate.

Janice Hunter [00:50:39] According to West Oakland Environmental Indicator Project and Earthjustice the report lacks analysis of the impacts beyond the project's construction phase, which therefore improperly narrows consideration of materials" I'm sorry, "of greenhouse gas emissions." [microphone cuts off]

JHu-1

Laura Adleman [00:51:02] Thank you very much. Thank you. Okay. Can I ask if we have any additional speaker cards at this time? My colleague. No. Okay. Okay. Thank you. We don't have any additional speaker cards at this time, so we'll take a pause here. But we will continue to be here until the end of the meeting time at 730. And if you do, if anyone else would like to make comment, please feel free to fill out a speaker card. Thank you very much. [music plays]

Laura Adleman [01:12:49] Hi, everyone. Just a quick announcement. If there is anyone who would like to make a comment, we have about 15 minutes left, so please go ahead and fill out a speaker card. Thank you. [music plays]

Laura Adleman [01:27:47] Okay. I think we're going to wrap things up. So thanks, everyone, for participating in our public meeting today. As a reminder, if anyone missed a part of the presentation this evening, the meeting recording along with a copy of the PowerPoint presentation will be posted on the project website.

Laura Adleman [01:28:09] I also want to remind everyone how to provide comments on the Draft EIR. You can send an email to turningbasins@portoakland.com. You can use the online form found on the project website, which is www.portofoakland.com/turningbasins.

Laura Adleman [01:28:30] Or you can send comments via us mail to Ms. Khamly Chuop at Port of Oakland Environmental Programs and Planning division 530 Water Street, Oakland, California 94607. All comments must be received by 5 p.m. Pacific Time on December 18th, 2023.

Laura Adleman [01:28:52] If you are mailing comments, please account for mail delivery time to be sure that your mailed comments are received on time. Thank you again for participating today. I'd also like to thank the interpreters from international contact for their assistance today. We will now conclude the meeting. Thank you.

G.4 GLOBAL RESPONSES

This section contains the global responses prepared in response to comments submitted on the Draft EIR. As described in Section G.1, Introduction, several comments and concerns were raised repeatedly in comment letters, and it was determined that preparing global responses would be the most appropriate and efficient means of responding to these repeated comments and concerns. Each global response first summarizes the issues raised in comments and then provides a comprehensive response.

G.4.1 Global Response 1: CEQA Process

Global Response 1 addresses the following comments relating to the Draft EIR: (A) claims that the Port should recirculate the Draft EIR due to asserted deficiencies in the Draft EIR's description of the Proposed Project and impact analysis for air quality and other environmental resource topics; (B) claims that the Port and United States Army Corps of Engineers (USACE) should have prepared a single joint California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) document for the Proposed Project or should have aligned the public review periods for the separate CEQA and NEPA documents that were prepared to occur at the same time; and (C) claims that the Proposed Project is part of a larger Seaport expansion, and that the EIR should also address other planned landside infrastructure and operational improvements, and by not doing so, the Port is "piecemealing" environmental review under CEQA.

A. Recirculation Not Required Where There Is No Addition of Significant New Information

Recirculation of an EIR is triggered by the addition of "significant new information" after public notice of the Draft EIR's availability for public review, but before certification of the EIR by the CEQA Lead Agency. Section 15088.5(a) of the CEQA Guidelines states that "new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect…" Recirculation is not required where new information added to an EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines Section 15088.5(b)).

The Response to Comments and revised text in this Final EIR generally amplify, correct, supplement, or clarify existing information in the Draft EIR. The clarifying revisions made to the Draft EIR in response to comments received do not constitute significant new information meeting the criteria for recirculation of the Draft EIR. No information disclosing a new or substantially more severe significant environmental impact was added to the Draft EIR. Therefore, the new information incorporated in this Final EIR, including the Response to Comments, does not constitute significant new information, and would not result in any new significant impacts nor a substantial increase in the severity of any impact already identified in the Draft EIR. Furthermore, neither the public comments received nor this Final EIR include new feasible project alternative(s) or mitigation measure(s) considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project beyond those incorporated in the Draft

EIR. The Port evaluated additional alternatives and mitigation measures proposed by commenters and did not identify any alternatives or mitigation measures that are feasible or considerably different from those analyzed in the Draft EIR that could reduce any impact found to be significant and unavoidable; for example, refer to Global Response 4: Reduction of Local Truck Trips, and Global Response 7: Air Quality Mitigation Measures.

Revisions to Mitigation Measures BIO-2 and TRA-1 are similarly minor and are intended to further reduce impacts already found to be less than significant with mitigation in the Draft EIR. Additionally, revisions to mitigation measures for air quality and noise presented in the Final EIR are intended to further reduce previously identified significant effects of the Proposed Project; however, no feasible revisions to these measures were identified that would substantially lessen the significant and unavoidable impacts of the Proposed Project. No new impacts were identified, and there is no substantial increase in the severity of identified impacts as a result of new information. The Port has reviewed the information added and determined that it does not change any of the basic findings or conclusions of the EIR, does not constitute "significant new information" pursuant to CEQA Guidelines Section 15088.5, and does not require recirculation of the Draft EIR. This decision is supported by substantial evidence provided in this EIR.

B. Separate CEQA and NEPA Processes

USACE's decision to undertake NEPA review prior to and separate from the Port's CEQA review does not raise an issue with the adequacy or accuracy of any facet of the Draft EIR, nor does it raise any significant environmental issues. Nonetheless, this global response addresses the substance of these comments.

Although there are tools available for combining and streamlining the CEQA and NEPA review process, there is no legal obligation to do so under either state or federal law. Separate CEQA and NEPA documents are common where, as here, the schedules for federal action and local action under CEQA do not align (among many other considerations under the circumstances of a particular project). For the Proposed Project, the USACE was following its updated process for conducting civil works feasibility studies. The process, referred to as SMART (Specific, Measurable, Attainable, Risk Informed, Timely) Planning, is intended to improve feasibility studies, reduce their cost, and expedite completion. To encourage accountability and efficiency in applying the SMART Planning feasibility process and new decision-based milestones, studies are to be scoped for completion in 3 years or less, at a cost of no more than $3 million dollars, and developed with the engagement of all 3 tiers of the USACE vertical team (District, Division, and Headquarters). This became known as the "3x3x3 Rule." The combined constraints of the SMART planning and 3x3x3 Rule did not afford adequate opportunity for the Port to combine the CEQA process with the streamlined NEPA process.

Furthermore, although NEPA and CEQA have similar goals regarding reviewing the environmental impacts of projects, given the different approaches and actions flowing from a finding of significance, CEQA is generally recognized as having a broader reach and impact than NEPA. For example, under NEPA, significance is used to determine whether an Environmental Impact Statement, or some lower level of documentation, will be required. The determination of significance is based on context and intensity of the potential effects. As a result, some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. (Refer to *Ctr. for Cmty. Action and Envtl. Justice v. FAA* (9th Cir. 2021) 18 F.4th 592, 605-606.)

During the CEQA process, the Port has worked to facilitate alignment between the EIR and USACE's EA to the extent necessary and appropriate. Furthermore, if the Port approves the Proposed Project, the Port will continue to coordinate closely with USACE to incorporate and effectuate all adopted mitigation measures under CEQA into the project design and construction.

C. The Proposed Project Is Independent from Other Planned Seaport Landside and Operational Improvements

Expansion of Port throughput and landside infrastructure are not objectives of the Proposed Project, and the Proposed Project does not include in-water or landside improvements that would facilitate expansion of Port operations (e.g., increase the Port's container handling capacity). As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational improvements that address inefficiencies and suboptimal conditions currently experienced by vessels in the Oakland Inner and Outer Harbors. As further identified in Section 2.4, the Proposed Project Objectives include: optimizing transit efficiencies for commercial deep draft vessels; maintaining the Port's competitiveness as the principal ocean gateway for international cargo shipments in Northern California; improving flexibility for commercial deep draft vessels calling the Seaport to connect to shore power; improving conditions for vessel maneuvering and safety, including reducing environmental risk associated with existing maneuvering limitations; and modernizing essential waterway infrastructure to fully accommodate the already evolving and anticipated fleet mix of vessels calling the Seaport. As stated in Draft EIR Section 2.5, Proposed Project, the Proposed Project is not a development project that removes a barrier to growth, shifts cargo from one port to another, or increases the Port's container handling capabilities. A maritime terminal's capacity is limited by either the number of vessels it can accept ("berth-constrained'), or by how much cargo its landside facilities (e.g., container yard, truck gate) can service ("yard-constrained"). The Port is limited by backland capacity (facilities constraints of the yard), not berth capacity (The Tioga Group and Hackett Associates 2020). Although the Proposed Project would increase efficiencies in waterside operations, it does not increase the number of vessels that the Port can accept nor expand or create new landside cargo handling facilities at the Port, and therefore is not designed, intended, or expected to increase cargo throughput.

Section 15378 of the CEQA Guidelines defines a project as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. Piecemealing or segmenting means dividing a single project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. If an activity or facility is necessary for the operation of a project, necessary to achieve project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed in the environmental analysis. Conversely here, the Proposed Project is to improve conditions for vessel operations and safety, and is entirely separate and has independent utility from the types of landside improvements at the Port that could facilitate increases in throughput. Because these various projects at the Port serve different purposes and can be implemented separately, they are not considered all part of one project. (Refer to, e.g., *Paulek v. California Department of Water Resources* (2014) 231 Cal.App.4th 35 [dam remediation and outlet tower replacement project could be implemented independently of emergency outlet extension, and therefore were appropriately addressed separately under CEQA].) This Proposed Project has independent utility from the other projects identified in public comments, and therefore is appropriately considered

its own project under CEQA. For example, the mix of larger vessels (PPX2 through PPX4) compared to smaller vessels (SPX, PX, and PPX 1) is already changing, and is expected to increase in future years with or without the Proposed Project (Draft EIR Table 3.1-1). There are other terminal improvements at the Port that are likely to be needed in the future to accommodate the evolving fleet mix (e.g., gantry crane modifications and replacements); such improvements are not triggered by, and do not depend on the widening of the turning basins. Like the dam safety improvements at issue in *Paulek*, such improvements can be implemented separately and have independent utility. In this manner, it is entirely appropriate for the turning basin widening to be addressed in its own CEQA document. Nonetheless, where appropriate, other projects are identified and included as part of the cumulative impacts analysis in the Draft EIR.

As further discussed in Global Response 5: Operational Impacts, with or without the Proposed Project, the forecasted growth at the Port is 2.2 percent in cargo annually; therefore, the Proposed Project would not facilitate increased cargo throughput, and there is no basis for the assertion that the Port must consider all potential future landside and operational improvements as part of a hypothetical larger expansion effort in the future.

G.4.2 Global Response 2: Community Engagement and Environmental Justice

Global Response 2 addresses the following comments relating to the Draft EIR: (A) claims that community engagement during the environmental review process was inadequate, particularly with regard to the engagement of the West Oakland community; and (B) comments suggesting that the Draft EIR discuss environmental justice issues and racial impacts, concerns that the project would disproportionately affect low-income communities and communities of color in West Oakland, and comments asserting that the Draft EIR's analysis pertaining to the West Oakland Community Action Plan was inadequate.

A. Community Engagement During the Environmental Review Process

The Port's outreach and engagement satisfied the legal requirements established under CEQA for community engagement and went significantly further than required by CEQA. This response details numerous outreach efforts performed by the Port and USACE, and provides examples of how public input has informed the environmental impact analysis and decision making for the Proposed Project.

Public Engagement by the Port and USACE for the Proposed Project

One of the key purposes of the CEQA process is to enable public participation. The Port provided many opportunities for public participation throughout the preparation of this EIR, beginning with the publication of the Notice of Preparation (NOP) on May 31, 2022. The NOP notified the public that a Draft EIR would be prepared for the Proposed Project, invited comments on the scope of the Draft EIR's analysis, and provided notification of two virtual scoping meetings. The NOP was sent to property owners within 500 feet of the Proposed Project sites, elected officials, agencies, organizations, and other interested parties. The NOP was also published in multiple local newspapers (*Oakland Tribune, Oakland Post, Vision Hispana, and Sing Tao Daily*) and submitted to the CEQA State Clearinghouse. The Port held two virtual scoping meetings for the Proposed Project in June 2022, at which the Port presented an overview of existing conditions in the Seaport and the purpose of the Proposed Project. The scoping

sessions provided a forum for interested parties (including but not limited to local residents, environmental organizations, and public agencies) to offer comments regarding the scope of the Draft EIR, including topics to be analyzed in the Draft EIR.

The Draft EIR was issued for public review and comment on October 3, 2023. Notification regarding the availability of the Draft EIR for public review and comment and the public meetings scheduled during the review period included all of the following: a combination of email notifications to hundreds of recipients who indicated interest in the Proposed Project from the Port's project electronic database, general circulation newspaper advertisements (both digital and hard copy) in multiple news outlets, digital advertisements, posting on project websites, filing and advertisement with the CEQA State Clearinghouse, and 80,097 postcard mailers delivered to all residences and business within four neighboring zip codes of the Proposed Project area. Proposed Project notices were also made available in Chinese and Spanish, and language interpreters were available for each of the public meeting forums (both virtual and in-person). To help facilitate public review, hardcopies of the Draft EIR were made available at nine local libraries. The Port hosted four public meetings in October and November 2023 to assist all parties interested in providing comments and input on the Proposed Project and Draft EIR, which included two in-person and two virtual meetings. These meetings provided the public an overview of existing conditions in the Seaport, described the purpose of the Proposed Project, and presented the Proposed Project's potential environmental impacts. Each meeting included time for the public to provide oral or written comments on the Proposed Project and the analysis of environmental impacts presented in the Draft EIR. The in-person meetings also included information stations in an open house format staffed by technical experts who were available to discuss the Proposed Project with all attendees. The Port extended the Draft EIR comment period from November 17, 2023, to December 18, 2023, for a total of 77 days, exceeding the minimum 45 days required by CEQA.

Attendees at the scoping and Draft EIR public meetings included, among others, residents from West Oakland, Alameda, and San Leandro, environmental organizations, business representatives that rely on the Oakland Seaport, private property owners, associations, labor unions, and state and federal permitting agencies.

In addition to the scoping and public meetings conducted as part of the CEQA environmental review, the Port and USACE hosted numerous public engagement efforts that went above and beyond all state and federal statutory requirements for public notice, input, and engagement, as listed below.

- *August 2021* – The Port and the USACE hosted a public virtual kickoff meeting. This meeting included moderated breakout rooms with small groups to invite community feedback on concerns, interests, and suggestions.
- *January 2022* – The USACE hosted a second virtual public meeting to receive additional community input and comments on the Draft Environmental Assessment (Draft EA) for NEPA, published in December 2021.
- *March 2022* – The Port and USACE presented the Proposed Project and met virtually with the Prescott Neighborhood Council to solicit community input.
- *April 2022* – The Port and USACE presented the Proposed Project and met virtually with the Lowell – Acorn Neighborhood Council to solicit community input.

- *May 2022* – At the request of West Oakland Environmental Indicators Project (WOEIP)/ Earthjustice, USACE met virtually with WOEIP and Earthjustice to discuss the Proposed Project.
- *February 2023* – The USACE hosted an in-person public meeting at the West Oakland Senior Center with a virtual option to receive public input on changes made to the Proposed Project in response to public comments.
- *May 2023* – The USACE hosted a virtual public meeting to receive public input on the updated Proposed Project and revised Draft EA published in April 2023.
- *June 2023* – At the request of the public, the USACE hosted an additional virtual public meeting to receive public input on the updated Proposed Project and revised Draft EA.
- *September 2023* – At the request of WOEIP and Earthjustice, the Port, USACE, WOEIP, and Earthjustice met virtually to discuss the Proposed Project.

Other forums have also provided opportunities for meaningful input on the Proposed Project, including updates provided at public Board of Port Commissioners meetings, public Harbor Safety Committee meetings, and two ongoing working groups—Resource Agency Working Group and Interagency Coordination Team—staffed with local, state, and federal partners and permitting agencies.

Consideration of Public Input in Preparing the EIR

Prior to initiating the CEQA process, the decision to construct the Proposed Project using electric dredges to reduce construction emissions was informed by public engagement during the feasibility study phase, to address community concerns regarding exposure to pollutants emitted during diesel-fueled dredging. Public comments received regarding the Inner Harbor Turning Basin (IHTB) widening footprint proposed in the USACE's Draft Integrated Feasibility Report/ Environmental Assessment were considered in determining the IHTB widening footprint presented in the Draft EIR. This resulted in a shift of the IHTB widening footprint to the northeast to reduce potential operational impacts to Alameda-based maritime businesses.

Comments received during the CEQA scoping period and comments provided during the NEPA process prior to preparation of the Draft EIR were considered in informing the approach to the impact analysis presented in the Draft EIR. Public comments received informed the content of the Draft EIR, as shown by the following examples in the Draft EIR: the incorporation of detailed discussion regarding Port operations and the potential for the Proposed Project to result in operational impacts; discussion of factors influencing cargo throughput and expanded analysis demonstrating why the Proposed Project would not induce growth; analysis of changes in air emissions from waterside operations that would result from the Proposed Project; and expansion of the domain for the health risk assessment from 1,000 feet to an area of 8.75 kilometers (5.4 miles) by 6 kilometers (3.7 miles), including the entire community of West Oakland and a portion of the City of Alameda.

All of the comments made during the Draft EIR public meetings, as well as those submitted via the project website, email, and U.S. mail, have been analyzed and responded to as part of the Response to Comments and Final EIR. This included additional analysis regarding the potential for landside operational impacts (refer to Global Response 5: Operational Impacts) and consideration of additional project alternatives and mitigation measures suggested in comments received (refer to Global Response 4: Reduction of Local Truck Trips, and Global Response 7: Air Quality Mitigation Measures as examples).

Based on public concerns regarding the number of construction truck trips in particular, the Port revised the Proposed Project to reduce the number of construction truck trips in Oakland and Alameda by using barges to transport Class II nonhazardous material from the Proposed Project sites that was originally proposed to be transported by truck. This resulted in 17,770 fewer construction truck trips directly to and from the Proposed Project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR (refer to Global Response 4: Reduction of Local Truck Trips). Changes to the Proposed Project and mitigation measures made in this Final EIR are summarized in Section 1.3 of this EIR.

Additional Community Engagement Activities Undertaken by the Port

In addition to the above engagement efforts specific to the Oakland Harbor Turning Basins Widening, the Port has undertaken numerous other outreach efforts with community members related to other Port activities. For years, the Port has engaged with the local community to understand and address the effects of Port operations. The Port created the Social Responsibility Division (SRD) to provide multiple public forums to update residents on Port projects, listen carefully to citizen feedback, and follow up on suggestions and complaints. SRD is dedicated to Community engagement, with decades of managing programs focused on the Community. This includes consistent attendance at East and West Oakland neighborhood meetings; running free Harbor Tours of the Seaport with monthly guided tours from May through October each year; Community Investment Sponsorships and Grants, a program that provides quarterly grants of up to $5,000; the Port Employees Scholarship Program, a voluntary employee program awarding graduating seniors up to $5,000; a Summer High School/College Internship Program, providing a paid internship for 8 weeks; and the Middle Harbor Shoreline Park Naturalist Educational Program, an environmental education program focused on ecology and cultural history of San Francisco Bay. In addition, the Port has been engaging with the Community on air emissions and related issues for over two decades, developing Air Quality Plans and stricter emissions control programs. Throughout the development of the 2020 and Beyond Plan, the Community has been clear in its desire to see a complete changeover to zero-emissions (ZE) trucks and cargo handling equipment. There is an expectation that the Port take a leadership role in supporting Port tenants to enable the transition to ZE and reduce diesel particulate matter (DPM) emissions from Port operations. Examples of Community supported actions the Port has taken include passing an updated Environmental Ordinance in 2022, including a requirement for tenants to provide specific plans for transition of their equipment to ZE. Beyond emissions, the Port has engaged and collaborated on critical topics with the Community such as sea level rise, groundwater intrusion, greening of streets and neighborhoods, development of resilience centers and other topics raised by the Community for the Port to provide technical assistance, grant opportunities, and collaborative project opportunities.

To specifically address air quality concerns, the Board approved the Maritime Air Quality Improvement Plan (MAQIP) in 2009 to reduce DPM emissions from Seaport-related equipment sources by 85 percent by 2020. The MAQIP was developed through an extensive public stakeholder participation process. The Port convened the MAQIP Task Force in 2007 to develop goals and actions to guide air quality improvement efforts at the Seaport. Four Co-Chairs consisting of representatives of community (WOEIP), regulatory agency (Bay Area Air District [Air District]), industry, and the Port led the 35-member Task Force in developing guiding principles, goals, and implementation measures for the MAQIP. The MAQIP Task Force transitioned to the 2020 and Beyond Task Force in May 2018. The Port again conducted an extensive public stakeholder

participation process, through a Steering Committee of Co-Chairs (WOEIP, Air District, industry, and Port representatives) and a Task Force. The Task Force itself included public agencies, community members, industry representatives, and representatives of elected officials. The Board approved the 2020 and Beyond Plan in 2019; the Steering Committee and the Task Force continue their involvement in implementing the plan to continue emissions reductions. To bring together individual engagement activities for more comprehensive engagement, the Port established the Seaport Stakeholder Group in July 2021. The Seaport Stakeholder Group provided input, guidance, collaboration, and direction on the Port's Maritime business strategies and priorities.

The Port has been meeting regularly with community members, partner agencies, and industry stakeholders to discuss the development and implementation of the Seaport 2020 and Beyond Plan. The Port has presented the 2020 and Beyond Plan and the Port's goal of advancing toward a zero-emission Seaport at over 13 community meetings since December 2023, with a concerted focus on disadvantaged neighborhoods in West and East Oakland.

Furthermore, in early 2023, the Port began meeting on a monthly basis with staff from multiple community-based organizations regarding pursuit of federal and state grants in partnership with Port tenants to advance electrification and ZE transitions efforts, which led to the establishment of the Community Electrification Committee. The Community Electrification Committee is a diverse stakeholder body that was convened by the Port's then Executive Director, Danny Wan, and WOEIP co-founder, Brian Beveridge, as part of the West Oakland Community Action Plan, and includes WOEIP, Earthjustice, Pacific Environment, University of California Berkeley Goldman School of Public Policy, Ava Community Energy, Air District, Union of Concerned Scientists, and United States Environmental Protection Agency (USEPA) (together called the "West Oakland Sustainable Port Collaborative" or WOSPC) and Port Senior Management. One outcome of the Port's coordination with WOSPC is for the Port to explore opportunities to work with the community-based organizations to identify West Oakland electric vehicle (EV) charging and battery energy storage system needs and locations, determine appropriate technology options, and collaborate with other potential partners, such as the City of Oakland, to pursue upcoming federal and/or state grant opportunities. Additionally, the Port consulted with the Community Electrification Committee on the development of the USEPA Clean Ports Program grant proposal, which includes WOEIP as a collaborating partner. The Community Electrification Committee also discussed the Proposed Project.

As noted in several comments, the Seaport is adjacent to the West Oakland community, an identified disadvantaged community that experiences higher rates of health issues than surrounding communities. The Port recognizes that the West Oakland community has borne a disproportionate burden of pollution and associated health risks, and recognizes the importance of integrating environmental justice principles. To help correct this inequity, the Port has implemented numerous emissions reductions strategies through the MAQIP and Seaport Air Quality 2020 and Beyond Plan described above. In addition, the Port is soliciting and considering community input in making decisions that affect the community through the engagement activities discussed above. The Port was an active participant in the development of the community's West Oakland Community Action Plan (WOCAP) to protect and improve community health by eliminating disparities in exposure to local air pollution.

In addition to its direct engagement with stakeholders in the community, the Port implements best practices to ensure its activities are fully compliant with Title VI of the Civil Rights Act of

1964 and other equal access laws. The Port's outreach strategies that were used as part of this process include, but are not limited to, the following:

- Reasonable public access to technical and policy information;
- Adequate public notice of public involvement activities and time for public review and comment at key decision points;
- Concerted efforts to involve the public, especially those traditionally underserved by existing programs or plans, including, but not limited to, low-income and minority households;
- Coordination of (1) Planning processes, especially where multiple levels of oversight exist, and (2) Public input processes, both of which enhance public consideration of the issues, plans, and programs, and reduce redundancies and cost;
- Ensure opportunity for full participation of Limited English Proficiency speakers through provision of language interpretation services; and
- Ensure opportunity of full participation of persons with disabilities by providing accessible accommodations.

Community engagement efforts have led to a greater understanding of community concerns and collaboration, and implementation of ZE initiatives at the Port.

B. Environmental Justice

Environmental Justice and Racial Impacts under CEQA

CEQA requires an evaluation of a project's impact on the environment. The definition of "environment" does not include economic or social conditions, and in fact CEQA expressly excludes social or economic effects from impacts that must be evaluated in an environmental document. (Refer to Preserve Poway v. City of Poway (2016) 245 Cal.App.4th 560, 581.) Therefore, CEQA does not generally require an analysis addressing environmental justice impacts of a project, nor does CEQA require a racial impact statement or study.

However, information on environmental justice and socioeconomic impacts can be found in the NEPA Document prepared by the USACE for the Oakland Harbor Turning Basins Widening Project; specifically in Sections 3,3.2, 6.1, and 6.2. The NEPA document characterizes socio-economically disadvantaged communities in Alameda and West Oakland. Furthermore, the Draft EIR analysis of air quality impacts evaluates impacts on all surrounding communities, and the Draft EIR addresses consistency with the WOCAP, prepared pursuant to Assembly Bill (AB) 617. The Draft EIR in Section 3.3, Air Quality, in the Environmental Setting, as well as in Appendices B and C, discusses the existing conditions by reporting nearby ambient air monitor readings, 2020 Seaport Emissions Inventory, and both the 2008 California Air Resources Board (CARB) Health Risk Assessment for West Oakland and the 2019 Air District Health Risk Assessment for West Oakland to give context to the past and present air quality conditions near the Proposed Project. In addition, the environmental setting described locations of sensitive receptors in areas impacted by the Proposed Project.

The Draft EIR evaluated air quality impacts to surrounding communities in Oakland and Alameda and concluded that project-level and cumulative air quality impacts were significant

and unavoidable under Air District thresholds of significance, as well as consistency with applicable plans and policies. Sensitive receptors were identified in both Alameda and Oakland, with details of their health impacts at these sensitive receptors reported. The significant air quality impact is primarily due to the impacts that would occur during Proposed Project construction. Operational impacts are anticipated to be less than significant.

The Air District's Air Quality CEQA Guidelines Appendix A: Thresholds of Significance Justification on page A-39 states: the recommended thresholds already address the burden of impacted communities via the cumulative thresholds: specifically, if an area has many existing toxic air contaminant (TAC) sources near receptors, then the cumulative threshold will be reached sooner than it would in another area with fewer TAC sources. This means that the thresholds were established in recognition that some areas are already near or at levels of significant impact, and that the burden of impacted communities is addressed with the cumulative thresholds. Therefore, the analysis in the Draft EIR does take into consideration the overburdened, environmental justice and socioeconomic disadvantaged communities' experience to determine the significant effect on the environment.

The Draft EIR also addresses overburdened communities and environmental justice in evaluating consistency with the WOCAP, the Community Action Plan for West Oakland that was prepared as required by AB) 617. The overarching goal of the WOCAP is to protect and improve community health by eliminating disparities in exposure to local air pollution. The WOCAP developed specific targets for DPM, particulate matter 2.5 microns in diameter or less ($PM_{2.5}$), and cancer risk thresholds as described in Section 3.3.2 of the Draft EIR. The Port examined the WOCAP-recommended strategies and distinct actions suggested for Port-related hazardous air pollutant emissions. Table 3.3-7 of the Draft EIR outlines the Proposed Project mitigation, and describes the many project features that align with WOCAP strategies. The Proposed Project does not conflict with the Port-identified WOCAP strategies. Under a conservative interpretation of the WOCAP, however, any emissions and health impact increases would be inconsistent with WOCAP's goals. Therefore, the Proposed Project may be inconsistent with certain emissions targets outlined in WOCAP, as noted in Section 3.3.4 in the Draft EIR.

Implementation of the Proposed Project would also have a beneficial impact by continuing to bring cleaner ships to the Port by increasing the frequency of visits by vessels with higher tier (cleaner) engines, because many of the higher tier engine vessels are newer and longer, and therefore unable to use the existing narrow turning basins with optimized safety and efficiency.

The Air District requested preparation of a racial impact statement. Although such statements are referenced in the Air District's 2022 Air Quality CEQA Guidelines, they are not required under CEQA.

In addition, the Draft EIR did include some of the information discussed in Section 2.2 of the Air District's Air Quality CEQA Guidance, which outlines the key actions that should be taken to improve environmental justice practices in CEQA. Refer to Community Engagement During the Environmental Review Process in the preceding section of this global response for specific engagement by the Port and USACE for the NEPA and CEQA preparation of the Proposed Project environmental documentation, including the overburdened and AB 617 communities. The Proposed Project identified the maximum exposed individual receptor in various overburdened communities surrounding the Proposed Project, including those in both Alameda and Oakland. The Proposed Project's health risk assessment (HRA) evaluated a substantially

larger area than 1,000 feet from the project site for both receptors and sources. The model sources are spread out over a distance greater than 6 miles (31,680 feet). The tug travel path as it heads out to the beneficial reuse sites was truncated at the WOCAP border, consistent with what the Air District did in the WOCAP analysis of West Oakland emission sources. Similarly, on the southern end of the model area, roadway emissions were truncated on the far side after exiting Alameda and entering the Interstate 80 (I-880) freeway. The project did include all major roadways that the Proposed Project would travel on within the sensitive receptor area, including Interstate 880. The Proposed Project included feasible mitigation measures applicable to the Proposed Project as recommended by the resources mentioned by the Air District to consider. Refer to Global Response 7: Air Quality Mitigation Measures for an evaluation of mitigation measures suggested in comments that were deemed feasible or infeasible.

The Proposed Project did consider the cumulative impacts to disadvantaged communities, including West Oakland and Alameda. Refer to the "Effects on the West Oakland Community" section below in this global response for more discussion on disproportionate impacts to West Oakland. The Proposed Project did evaluate several alternatives that would change the location of the IHTB as well as widening only the IHTB or Outer Harbor Turning Basin (OHTB) instead of both. Options to reduce truck trips in Oakland and Alameda were also considered; refer to Global Response 4: Reducing Local Truck Trips for an evaluation of barging excavated and dredged material from Oakland and Alameda rather than using trucks.

In summary, the analysis of environmental impacts fully complies with the requirements of CEQA and goes beyond those requirements by providing information and analysis consistent with the recommendations outlined by Air District CEQA Guidelines Chapter 2.

Effects on the West Oakland Community

Some commenters expressed concern that the Proposed Project's impacts—particularly air quality, noise, and traffic—would disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

The Draft EIR fully evaluated and disclosed the potential effects associated with air quality, noise, and traffic, as well as how those effects would potentially impact surrounding communities. The Draft EIR acknowledges that construction of the Proposed Project would result in some significant and unavoidable impacts associated with air quality and noise. The Draft EIR did not avoid addressing those issues, and in fact offers mitigation measures and alternatives designed to substantially lessen the environmental effects of the Proposed Project to the extent feasible. In this manner, the EIR serves its purpose as an informational document. Moreover, the Proposed Project effects are not necessarily disproportionate in certain disadvantaged environmental justice communities, as the analysis shows. As described in the Draft EIR air quality impact analysis (Section 3.3.4) under Impact AIR-3, the HRA performed for the Proposed Project indicates that, even with mitigation, construction of the Proposed Project would result in cancer risks and $PM_{2.5}$ concentrations that exceed the Air District's thresholds of significance. The risk drivers for the exceedances of the significance threshold are primarily related to the proximity of proposed and existing residences in Alameda to the construction equipment being used for land-side work. The health impacts rapidly decrease across increased distance as residences are situated further from the construction areas. The exceedances of the Air District CEQA significance threshold for lifetime cancer risks would occur within 1,000 feet or less of the proposed widened IHTB; no exceedances of this threshold

would occur at receptor locations in West Oakland. Furthermore, pursuant to AB 1191 (the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act), because the Port and Oakland Athletics did not enter into a binding agreement by January 1, 2025, for construction of the Waterfront Ballpark District at Howard Terminal project, the portion of Howard Terminal that had been proposed for development of the ballpark district project reverted to a Port Priority Use Area under the San Francisco Bay Plan as of that date (refer to Section 3.11, Land Use, in this Final EIR). Therefore, the Waterfront Ballpark District at Howard Terminal project is no longer considered reasonably foreseeable, and has been removed from the cumulative impact analysis in this Final EIR. As a result, the proposed residences that were included as part of the Waterfront Ballpark District project have been removed as a sensitive receptor in this Final EIR. This revision does not constitute significant new information in relation to the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. Although redevelopment may still occur at Howard Terminal, there are no specific development proposals that are reasonably foreseeable at the time of this Final EIR publication for the purpose of consideration of cumulative impacts. Any future development at Howard Terminal must be consistent with the Port Priority Use Area designation. The Port Priority Use Area does not allow for residential development.

The Draft EIR addresses overburdened communities and environmental justice in evaluating consistency with the WOCAP, the Community Action Plan for West Oakland that was prepared as required by AB 617. The overarching goal of the WOCAP is to protect and improve community health by eliminating disparities in exposure to local air pollution. The Draft EIR outlined the Proposed Project mitigation and features that align with WOCAP strategies. The Proposed Project does not conflict with the Port-identified strategies. Implementation of the Proposed Project would have a beneficial impact by bringing cleaner ships to the Port. In addition, the Draft EIR included some of the information discussed in Section 2.2 of the Air District's Air Quality CEQA Guidance, which outlines the key actions that should be taken to improve environmental justice practices in CEQA.

The Draft EIR noise impact analysis (Section 3.12.4) indicated under Impact NOI-1, that the City of Oakland construction noise standard would be exceeded when pile driving occurs at the northernmost extent of the IHTB, and piles would be installed at a distance of 1,300 and 200 feet from sensitive receptors in Oakland; these temporary impacts would be mitigated to a less-than-significant level for all receptors except any potential future sensitive receptors at Howard Terminal. Similarly, Draft EIR Impact NOI-1 indicated that construction noise levels from nighttime dredging operations would be temporary, and below existing ambient nighttime noise levels at all receptors in Oakland, except for any potential future residential uses at Howard Terminal. As stated above, the proposed residences at Howard Terminal were removed as a sensitive receptor in this Final EIR; therefore, the significant and unavoidable noise impacts identified at this location in the Draft EIR would no longer occur, and this Final EIR has been updated accordingly. This revision does not constitute significant new information in relation to the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. Beyond 2,000 feet, construction-related or operational noise levels would generally be attenuated by distance and intervening structures to noise levels commensurate with existing ambient noise levels of the surrounding urbanized areas. At its closest point, West Oakland is approximately 2,500 feet from the IHTB, and therefore at a distance where construction-related or operational noise levels would be attenuated.

On most of the routes in the City of Oakland to be used by haul trucks to access freeways transit in and through industrial areas in Oakland, no noise-sensitive receptors are present; however, the truck route on Adeline Street would pass by the existing 5th Street Lofts (which are market-rate, not low-income). The Draft EIR noise impact analysis (Section 3.12.4) evaluated noise impacts from construction truck traffic under Impact NOI-1 and found that the addition of peak haul truck volumes on Adeline Street would not generate a roadside noise-level increase in excess of the City of Oakland's significance criteria for traffic noise level. Furthermore, the Draft EIR transportation impact analysis (Section 3.14.4) found that the Proposed Project's construction-related traffic would not cause a substantial increase in existing average daily traffic along roadways, or cause an exceedance of roadway capacity along designated truck routes. Nonetheless, the Draft EIR concluded if not properly managed, the Proposed Project's construction traffic could impact local roadway, bicycle, and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact in both Oakland and Alameda. To mitigate this impact to a less-than-significant level, the Draft EIR included Mitigation Measure TRA-1, which requires the construction contractor to develop a comprehensive construction Traffic Control Plan that includes various measures to minimize the effects of the Proposed Project's construction traffic on overall circulation, including temporary traffic controls, such as signage and flaggers, to minimize conflicts; identification and enforcement of designated truck haul routes; and advance notification to neighboring residents, businesses, and other property owners of any substantial increases in construction traffic. With the implementation of these measures, the volume and timing of construction traffic would be managed to avoid adversely affecting local roadway, bicycle, and pedestrian circulation and safety in local communities near the Proposed Project. Furthermore, in consideration of public comments received on the Draft EIR, the Port revised the Proposed Project to reduce the number of construction truck trips in Oakland and Alameda by using barges to transport Class II nonhazardous material from the project sites that was originally proposed to be transported by truck. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda analyzed in the Draft EIR (refer to Global Response 4: Reduction of Local Truck Trips). With this change, there would be no increase in the key air pollutants and health impacts in West Oakland.

Regarding Seaport operations, as described in Global Response 5: Operational Impacts, the Proposed Project would not induce growth and would not result in changes to Seaport landside operations. In addition, the Proposed Project would result in a decrease in emissions for Seaport in-water operations in the long term.

For the above-stated reasons, the Proposed Project would not result in disproportionate impacts to West Oakland from either construction or Seaport operations following widening of the turning basins.

The West Oakland Community Action Plan

Some comments asserted that the West Oakland Community, an AB 617 Community, was not adequately described. Commenters also asserted that the Draft EIR did not analyze the policies set forth in the WOCAP and that the Proposed Project conflicted with the goals and policies of WOCAP.

The Draft EIR, in Section 3.3 Air Quality, in the Environmental Setting, as well as in Appendices B and C, discusses the existing conditions by reporting nearby ambient air monitor readings, Port of Oakland Seaport Emissions Inventory, and both the 2008 CARB HRA for West Oakland and the 2019 Air District HRA for West Oakland to give context to the past and present air quality conditions near the Proposed Project. In addition, the environmental setting described locations of sensitive receptors in areas impacted by the Proposed Project.

WOCAP has the overarching goal to protect and improve community health by eliminating disparities in exposure to local air pollution. WOCAP developed specific targets for DPM, $PM_{2.5}$, and cancer risk thresholds as described in Section 3.3.2. The Port examined WOCAP-recommended strategies and distinct actions suggested for Port-related hazardous air pollutant emissions. Table 3.3-7 of the Draft EIR outlined the Proposed Project mitigation and features that align with WOCAP strategies. The Proposed Project does not conflict with the Port-related strategies. Implementation of the Proposed Project would have a beneficial impact by bringing cleaner ships to the Port. The Proposed Project facilitates visits by vessels with higher tier engines, as opposed to the lower tier engines, because many of the higher tier engine vessels are the newer, longer vessels that have difficulty or require restrictions to use the existing narrow turning basins.

Under a conservative reading of the WOCAP, emissions and health impact increases would be inconsistent with the WOCAP's goals. Therefore, the Proposed Project may be inconsistent with the DPM, $PM_{2.5}$, and cancer risk targets outlined in the WOCAP.

Therefore, the Draft EIR fully analyzed the Proposed Project in the context of WOCAP and AB 617.

G.4.3 Global Response 3: Zero-Emissions Seaport

Global Response 3 addresses the following comments relating to the Draft EIR: (A) comments that the Port should electrify all of its equipment before undertaking other Seaport improvements, and specific requests for more information and transparency on the Port's plans, schedule, and progress to becoming a zero-emissions Seaport; and (B) requests for clarification regarding how other Seaport landside and operational improvement projects referenced in the Draft EIR and public meeting slides were considered in the Draft EIR cumulative impact analysis.

A. Port's Commitment to Zero-Emissions Equipment

During the public meetings on the Draft EIR held in October and November of 2023, the Port presented a summary of its pathway to becoming a zero-emissions Seaport to address public interest in this information expressed earlier in the Proposed Project's planning and environmental review process. This global response summarizes and updates information presented at the public meetings, and provides supplemental information on the Port's emissions reduction efforts; however, the Port's efforts to reduce operational emissions throughout Port facilities is independent and apart from those actions focused on this Proposed Project. There is no legal obligation, under CEQA or otherwise, for the Port to convert all equipment to electric or prioritize other Port upgrade projects over the Proposed Project (which has independent utility). Furthermore, the commentors do not suggest why such conversion would be required here.

Since 2005, the Oakland Seaport has seen notable reductions in criteria air pollutant emissions, including an 86 percent reduction in DPM emissions, and a 54 percent reduction in nitrogen oxide emissions. These reductions are primarily due to the use of cleaner equipment to handle and move cargo, including cranes and yard tractors, and providing shore power for vessels at berth. The Port recognizes that the West Oakland community has borne a disproportionate burden of pollution and associated health impacts and recognizes the importance of becoming a zero-emissions Seaport to aid in reducing health risk conditions for this community. The Port is committed to becoming a zero-emissions Seaport, and continues to undertake various efforts toward this goal. The Port has received and continues to pursue grants in support of zero-emissions projects, and can continue to advance zero emissions projects concurrent with widening the turning basins.

As mentioned in Global Response 2: Community Engagement and Environmental Justice, in June 2019, the Port approved its Seaport Air Quality 2020 and Beyond Plan, a plan that addresses emissions arising from equipment and operations at the Seaport, with a pathway toward zero emissions. The Draft EIR Air Quality Regulatory Setting (Draft EIR Section 3.3.2, Regulatory Setting, under the Port of Oakland Seaport Air Quality 2020 and Beyond Plan heading) included a list of completed actions from the Year 3 progress report on the Seaport Air Quality 2020 and Beyond Plan and summarized the Port's progress toward its goal of zero-emissions Seaport. This includes several projects in coordination with Port tenants to install chargers and infrastructure to add battery-electric top picks and electric yard tractors, begin design or obtain funding for updates to substations, replacement circuits, and upgrades to power generation resilient components. Starting in 2018, the Port switched to renewable diesel for its Port-owned fleet, and regulations now require harbor craft to use renewable diesel. The Port has registered its shore power equipment and electric car charging stations in the Low Carbon Fuel Standard program, and purchased renewable energy certificates to cover the electricity demand in the Low Carbon Fuel Standard program. Recently completed zero-emissions projects include the commissioning of five electric yard tractors at the Matson Terminal, an electric circuit upgrade at Maritime and 14th Street, and the completion of a hydrogen fueling station to support 30 hydrogen trucks stationed near the Seaport. The construction of truck chargers at Roundhouse is planned for late 2025. The Port is also purchasing electric or other zero-emissions and hybrid-electric equipment and trucks in its fleet to replace those that are solely petroleum fueled, and are nearing the completion of their service life. In March 2023, the Port adopted an amendment to its environmental ordinance that required Port tenants that operate cargo-handling equipment to submit a plan by December 31, 2023, for converting cargo-handling equipment to zero emissions (Port of Oakland Administrative Code Chapter 9.01). These tenants complied, and the Port was able to use their plans to assist in applying for grants to convert equipment and provide supporting infrastructure.

Table G-5 summarizes information presented at the Draft EIR public meetings regarding activities completed, underway, or for which grant funding was being sought for emissions reduction projects in and near the Seaport, including updates as of March 2025 regarding activities completed and those planned to be completed.

Table G-5 Seaport Zero Emission Key Activities

Seaport Location	Description	Status
Sea Logix	4 Battery Electric (BE) Build Your Dreams (BYD) Trucks 1 BE Orange EV Yard Tractor	Completed (2020)
Oakland International Container Terminal (OICT) (Stevedoring Services of America (SSA))	13 Hybrid Rubber Tired Gantry (RTG) Crane Repowers	Completed (2020)
GSC Logistics	3 BE BYD Trucks 1 BE Yard Tractor	Completed (2020)
Oakland Maritime Support Services	2 BE Orange EV Trucks	Completed (2018-2019)
Impact Transportation	1 BE Orange EV Truck	Completed (2020)
Shippers Transport Express (SSA)	10 BE Trucks 2 BE Top-Picks Substation + Chargers (Port funded)	Completed (2021)
Harbor Facilities	1 BE Passenger Van 2 BE Work Trucks	Completed (2017)
ConGlobal	1 BE Orange EV Truck	Completed (2019)
Everport	2 Hybrid RTGs	6/30/2025 - 6/30/2028
	1 ZE Top Pick or Utility Tractor Rig (UTR)	6/30/2026
	2 ZE Pieces of Cargo Handling Equipment (2 ZE Hydrogen RTGs or 2 ZE Top Picks)	6/30/2026 (Hydrogen RTGs) or 6/30/2027 (Top Picks)
TraPac	3 Hybrid RTG Repowers 4 new Hybrid RTGs (not grant funded)	Underway Q1 or Q2 of 2025
Clean Ports Program	475 drayage trucks and 188 pieces of cargo handling equipment	Underway 2025 through 2028
Matson (SSA)	5 BE Yard Tractors	Completed (2023)
Roundhouse	Truck Parking and Charging	Construction Anticipated 2025 through 2026
Outer Harbor Terminal	30 Hydrogen Fuel Cell (HFC) Electric Trucks 1 Hydrogen Fueling Station	Completed (2024)
Maritime and 14th Street	Substation, Circuit, Battery Storage	Circuit construction completed (2024). Substation Construction Started Spring 2025. Anticipated Construction end early 2027

Seaport Location	Description	Status
Outer Harbor Terminal (Berth 24 backlands)	Backland Improvements, Substation Upgrades, Reefer Racks, Battery Storage, Chargers	Construction Anticipated January 2027 through February 2028
OICT and Matson (SSA)	Hydrogen fueling infrastructure 42 pieces of HFC equipment	Construction Start Anticipated 2026
Seaport-Wide and Near Seaport	Green Power Microgrid Charging Infrastructure	Construction Start Anticipated 2025
Matson (SSA)	22 ZE Cargo Handling Equipment	Construction Start Anticipated 2026
Harbor Facilities	1 Class 8 electric truck and charging station	Construction Start anticipated 2024; Purchase and deploy vehicles 2024-2027
Eagle Rock Aggregates Oakland Terminal	4 Electric On-Road Trucks, Electric Street Sweeper, Electric Lift, and Electric Pick-up Truck	Purchase and deploy vehicles 2025-2027
Eagle Rock Aggregates Oakland Terminal	Shore power infrastructure for bulk vessels	Construction is estimated to start in 2025-2026

In October 2024, the USEPA awarded the Port a $322 million grant to fast track the Oakland Seaport's conversion to nearly 100 percent zero-emissions cargo handling operations. This is the largest-ever amount of federal funding for a Bay Area program aimed at cutting emissions from seaport cargo operations. The historic federal funding announcement, when matched with Port and local partner contributions, will unlock approximately half a billion dollars in total investment for green initiatives at the Oakland seaport. The grant will finance 663 pieces of zero-emissions equipment, which includes 475 drayage trucks and 188 pieces of cargo-handling equipment.

In addition to specific infrastructure and equipment projects, the Port aims to maximize its role as a publicly owned utility, providing power for Seaport operations, to support achievement of the Port's and Port tenants' zero-emissions goals through increasing its renewable and carbon-free portfolio. For example, in July 2024, the Board of Port Commissioners approved entering into a purchase agreement to acquire a 16 percent share of the renewable energy produced from a 50-megawatt solar generating facility in Riverside County, California.

Additional information on the Port's progress toward reducing Seaport emissions can be found at https://www.portofoakland.com/environment/air-quality/. This website includes content on activities of the Seaport Air Quality 2020 and Beyond Task Force, performance incentive programs relevant to Port operations, and milestone of the Port's air quality management program, among other information. In addition, the Port is preparing a Sustainability Management Plan to help support the Port's environmental stewardship and management of energy, water, waste, air quality, and climate resilience. The Sustainability Management Plan will serve as the Port's roadmap for reducing natural resource consumption, meeting decarbonization goals, building environmental resiliency, protecting the environment, and promoting social responsibility and regional economic growth. Furthermore, the Port voluntarily participates in the emerging maritime environmental certification program, Green Marine Certification (GMC). The GMC Program has over 350 members (seaports, ship owners, terminals, and shipyards) including 65 seaports across North America, all with the collective

goal of continually reducing their environmental footprint. The Port has been certified in the GMC Program since 2023, and continues to pursue improvements across the applicable GMC environmental categories. In 2024, the Port achieved the second highest level, Level 4, in four of the GMC environmental categories (Greenhouse Gas and Air Pollutants, Spill Prevention and Stormwater Management, Environmental Leadership, and Community Relations).

In sum, the Proposed Project is a discrete action designed to improve one element of Port operations—the turning of vessels at the Inner and Outer Harbors for greater efficiency and safety. This Proposed Project is not designed to upgrade other elements of Port operations, which are addressed independently. However, that does not diminish the Port's substantial efforts to improve efficiencies and reduce energy consumption and air emissions throughout the Port, as documented in the table above. But those are appropriately addressed as independent activities, and the Proposed Project is not designed or intended to act as the vehicle for accomplishing all of the Port's efficiency and sustainability goals.

B. Port Projects in Cumulative Analysis

Other past, present, and reasonably foreseeable projects at the Port were listed in the Draft EIR Table 4.2-1, and considered in the cumulative impact analysis in Chapter 4. During the public meetings on the Draft EIR, the Port presented a summary of its pathway to becoming a zero-emissions seaport, including activities completed, under way, or for which grant funding was being sought (refer to Port's Commitment to Zero-Emissions Equipment in the preceding section of this global response, which includes these activities and others that have since been adopted). Comments received on the Draft EIR questioned whether the zero-emissions activities presented during the Draft EIR public meetings were accounted for in the Draft EIR cumulative impact analysis. However, the comments do not identify what (if any) incrementally and cumulatively significant environmental impacts would result from the Proposed Project in combination with any of these other projects (CEQA Guidelines Section 15355).

Construction

Of the 24 activities listed in Table G-5, 10 have been completed. To the extent these activities involved any construction (rather than only purchases of reduced- or zero-emissions equipment), there is no potential for cumulative construction impacts in relation to the Proposed Project, whose construction would not begin until July 2027 at the earliest. For example, the East Bay Municipal Utilities District Hydrogen Fuel Cell Electric Trucks and Hydrogen Fueling Station project was completed in 2024. Because this project was completed in advance of the Proposed Project construction, its construction impacts would not combine with the construction impacts of the Proposed Project to result in cumulative impacts.

Of the 14 activities listed in Table G-5 that have not been completed, two Eagle Rock Aggregates construction activities are included in the Draft EIR's cumulative impact analysis (refer to Draft EIR Table 4.2-1), and activities at Everport and TraPac do not involve construction. For the remaining seven activities, the "construction" anticipated largely encompasses those activities associated with installing charging stations necessary to support the deployment of zero-emissions equipment. Furthermore, the remaining construction activities that might partially coincide with construction of the Proposed Project were previously analyzed under their own environmental reviews and do not have the potential to cause significant cumulative impacts in combination with the Proposed Project.

The expansion of electrical infrastructure, including new substations and switchgear to support future development that would include the planned Maritime and 14th Street Substation and the proposed Circuit, Solar Array, and Battery Storage projects, was analyzed as part of the Oakland Army Base Area Redevelopment Plan, which was considered in the Draft EIR cumulative impact analysis. The Port adopted the Initial Study/Negative Declaration (IS/ND) for the Port-wide Green Power Microgrids Charging Infrastructure (December 6, 2023) and the IS/ND for the Outer Harbor Terminal Redevelopment Project (February 12, 2025). These two projects have been incorporated into the cumulative impact analysis in Chapter 4 of this Final EIR. Addition of these projects did not change the findings of the cumulative impact analysis. This revision does not constitute significant new information within the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Operations

Regarding operational impacts, the activities identified in Table G-5 would only serve to reduce emissions of air pollutants, toxic air contaminants, and GHGs. Accordingly, these activities, in combination with the Proposed Project, would not have the potential to cause significant operational or cumulative impacts.

Based on the above, the comments do not identify any reasonably foreseeable and probable projects at the Seaport that were improperly omitted from the Draft EIR that would change the conclusions presented in the Draft EIR's cumulative impact analysis.

G.4.4 Global Response 4: Reducing Local Truck Trips

This global response addresses comments suggesting that the Proposed Project consider eliminating truck trips in Alameda and Oakland.

The Port investigated options to reduce the number of truck trips needed during the Proposed Project's construction. The Port evaluated several alternative options that would reduce truck trips, including increased barging, and determined that those alternative approaches did not reduce the Project's significant and unavoidable impacts.

During its investigations, the Port learned about a new material handling facility being constructed at the Montezuma Wetland Restoration Project for another project. The Port investigated the feasibility of barging some of the hauling material destined for Class II (nonhazardous) landfills to Montezuma, where it would be offloaded and put on trucks for transport to a Class II landfill. This option provides a better representation of the potential emissions of the dredged and excavated material being transported by tugs, because the EIR estimated the amount of material that may not be accepted by Montezuma for beneficial reuse, and allocated a percentage as unacceptable and designated it as Class I (hazardous) and Class II (nonhazardous). In the event that more material is acceptable for beneficial reuse, it would be transported by barge. In this scenario, the material—if it tests as Class II (nonhazardous waste)—would be barged to the Montezuma material handling facility, transferred to a truck at the Montezuma location, then transported to an appropriate landfill for disposal. The Port, in conversations with Montezuma, has determined that there may be more material acceptable than previously anticipated based on the criteria for beneficial reuse. This revised project description assumes that there would still be some truck trips from the Proposed Project sites associated with hauling material to the Class I (hazardous) landfill, recycler, and bringing material to the work sites. There would be additional construction equipment required to move the material to the excavator to

load the scows. It was assumed that in addition to the existing excavator, a dozer and loader would be needed in Alameda and/or Oakland. The closest landfill to the Montezuma Wetland Restoration Project that can accept Class II material would be Potrero Hills Landfill, which is 17 miles from Montezuma Wetland Restoration Project. Table G-6 shows the trucks trips in Oakland and Alameda for the Proposed Project by type.

Table G-6 Total Truck Trips in Oakland and Alameda by Type for the Proposed Project

Truck Trip Type	Number of Round-Trip Truck Trips	Comment
Class I Howard Terminal	290	Could not be eliminated with barging. Montezuma Rehandling Facility not permitted to handle Class I (hazardous) material.
Class I Alameda	800	Could not be eliminated with barging. Montezuma Rehandling Facility not permitted to handle Class I (hazardous) material.
Class II Howard Terminal	2,580	Truck trips from Howard Terminal eliminated with barging; material would be barged to the Montezuma Handling Facility and transported to Potrero Hills Landfill by truck.
Class II Alameda	15,190	Truck trips from Alameda Site eliminated with barging; material would be barged to Montezuma Handling Facility and transported to Potrero Hills Landfill by truck.
Class II Inner Harbor	970	Berth 10 will be used for drying material prior to trucking to a landfill from Berth 10
Class II Montezuma Rehandling Facility		Truck trips from Montezuma Handling Facility to Potrero Hills Landfill.
Recycler Howard Terminal	2,290	Could not be eliminated with barging. Recycler closer by truck.
Recycler Alameda	10,160	Could not be eliminated with barging. Recycler closer by truck.
Other Howard Terminal	239	Would not be eliminated with barging. These trips are for delivery and pick-up of equipment and the delivery of materials such as sheet piles and riprap, to the site.
Other Alameda	328	Would not be eliminated with barging. These trips are for delivery and pick-up of equipment and the delivery of materials such as sheet piles and riprap to the site.
Other Inner Harbor	38	Would not be eliminated with barging. These trips are for delivery and pick-up of equipment and delivery of materials such as sheet piles and riprap to the site.

This revised scenario for the Class II material handling moving from trucking to barging does not result in an increase in NO_X emissions compared to the corrected scenario presented in the

Draft EIR. There is a slight increase in carbon monoxide (CO) emissions and exhaust PM emissions, but less total PM emissions. CO emissions were not determined to have a significant impact with this increase and therefore do not result in an increase in severity. The exhaust PM emissions increase occurs outside of the HRA along the tug travel path and trucks near the Montezuma rehandling facility, and as evidenced by the cancer risk, do not have an increase in severity. The total PM concentration does not increase and remains the same when compared to the revised trucking emissions after correcting for errors in the original analysis. The reactive organic gas (ROG), NO_X, and exhaust PM_{10} and exhaust $PM_{2.5}$ emissions are below the Air District CEQA significance threshold for construction based on the average daily emissions. The emissions for the original scenario of trucking Class II material was updated due to a few calculation errors found. This included a few pieces of equipment assigned the incorrect horsepower, some omissions of equipment, and an error in the calculation of $PM_{2.5}$ concentration. In addition, the analysis adjusted the tons of material assumed to be transported per barge and the barge traveling speed based on updated information discovered since publication of the Draft EIR. The original trucking Class II scenario emissions are shown in Table G-7, as well as the revised barging Class II scenario. Similarly, the cancer risk at the maximum exposed residential receptor did not increase as shown in Table G-7.

Table G-7 Emissions and Cancer Risk for Barging Class II Material Compared to Trucking

Scenario	CO	ROG	NO_X	Ex PM_{10}	Ex $PM_{2.5}$	Fug PM_{10}	Fug $PM_{2.5}$	Cancer Risk
Class II Trucked	9.98	1.17	15.10	1.42	1.38	15.14	9.38	12.6 (Bay 37)
Class II Barged	10.27	1.20	14.63	1.46	1.41	14.53	9.22	12.6 (Bay 37)

This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. With this change, there would be no increase in the key air pollutants and health impacts to these overburdened communities.

G.4.5 Global Response 5: Operational Impacts

This global response addresses various comments regarding potential operational impacts and the analysis in the Draft EIR, including the following:

A. that the Draft EIR did not include sufficient analysis of the impacts widening the turning basins would have on the Seaport's landside operations because of more frequent calls by larger vessels, including potential increased roadway traffic and air quality impacts;

B. that the increased proportion of larger class vessel calls to the Seaport under the Proposed Project would result in increased air pollution and truck traffic, and that the Draft EIR did not adequately evaluate waterside operational emissions associated with the Proposed Project, specifically regarding emissions from vessels at anchorage;

C. that the Proposed Project should have conducted a post-project operational HRA; and

D. that more frequent calls by larger vessels would lead to increased cargo throughput at the Seaport (i.e., growth inducement).

The comments suggesting changes in landside operations rely on mistaken assumptions, as clarified below.

A. Landside Operations

Some commenters assumed that the Proposed Project would substantively affect landside operations in various respects. For the reasons discussed below, it would not.

Capacity constraints are not affected by the Proposed Project. A marine terminal's capacity[1] is limited by the number of vessels it can accept ("berth-constrained'), or by how much cargo its landside facilities (e.g., container yard, truck gate) can service ("yard-constrained"). Yard constraints include, but are not limited to, available land to handle containers, referred to as "backland capacity," and the availability of equipment and labor. These constraints determine the "maximum" amount of cargo a terminal can service in a discrete period (e.g., day, month, year). A project that changes these constraints would theoretically have a similar effect on the amount of cargo a terminal could service in the same period when compared to its pre-project condition. For example, a project that adds a new berth or includes landside improvements (e.g., expanding a terminal's operations footprint) would theoretically increase the amount of cargo it could service or the amount of cargo that could "flow through" the terminal. Here, the Proposed Project does not add berthing area or include landside improvements—neither does it require additional labor or equipment that would increase the Port's cargo (or container) handling capacity; therefore, these constraints remain unchanged by the Proposed Project.

In addition, the Proposed Project does not aim to have such an effect. As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational (i.e., maneuvering) improvements that address waterside inefficiencies and suboptimal navigational conditions currently experienced by vessels in the Oakland Inner and Outer Harbors. Landside improvements and landside efficiencies are not a Proposed Project objective, and a direct correlation is not a reasonably foreseeable effect of the Proposed Project.

The Proposed Project also does not affect the number of containers that can or would move through the Seaport (referred to as throughput). This is supported by historical patterns of similar projects designed to facilitate efficient and safe handling of large vessels, such as the Port's prior –50-Foot Project, which did not result in increased cargo throughput, and the recently approved federal waterway projects in the Port of Long Beach, Port of Seattle, and Port of New York and New Jersey, all of which focus on enhancing navigational efficiency and safety without inducing growth or increasing cargo throughput, as further discussed below in subsection D (Claimed Growth Inducement). Because the Proposed Project does not alter throughput, there is no environmental impact analysis related to changes in landside cargo throughput in the EIR.

Moreover, the Port is still well below the throughput level evaluated in prior CEQA reviews. The 2002 EIR completed by the Port and the City of Oakland previously evaluated the implementation of the Oakland Army Base redevelopment plan that included increased Port-wide cargo throughput to 4.05 million twenty-foot equivalent units (TEU). The Port's annual throughout has ranged between approximately 2 million TEU to 2.5 million TEU since 2004.

The Proposed Project also would not meaningfully affect or alter roadway traffic or any systems governing roadway traffic. Current landside operations include a truck appointment system and a

[1] Capacity is the amount of cargo a terminal can service in a defined period of time. The Port of Oakland includes multiple terminals.

comprehensive truck management plan to aid in the management of cargo movement inside the Port. The appointment systems are managed by the individual terminal operators to moderate transactions (e.g., hourly truck arrivals to a terminal) in accordance with available equipment and staffing. The appointment systems are designed to enhance and support efficiencies in container deliveries and pickups (e.g., truck movements), thereby aiding in the reduction of truck-related emissions. In addition, all marine terminals have night gates that are open when needed based on vessel schedule and availability of labor and equipment. Night gates allow flexibility in managing cargo by using them during off-peak times to assist in easing traffic volumes during the day. The Proposed Project does not include plans to modify these systems.

However, in response to comments assuming changed operations (e.g., cargo surges) from larger vessels calling the Port more frequently, the Port conducted a truck queuing study for informational purposes only, to assess if the Seaport roadway network can continue to contain future truck queues. The study and results are summarized below.

Additional Analysis Conducted

As presented in the existing site conditions, Section 2.3.2 Landside – Surge Cargo Management, of the Draft EIR, marine terminal operators routinely manage and control variable cargo volume and have adapted to servicing larger vessels. Although the truck appointment system is effective in managing the "flow" of cargo, existing conditions include occasional truck queuing in the Seaport. A truck queuing study was conducted to determine if the Seaport roadway network could continue to contain truck queues without impacting neighboring communities. This study modeled truck demand and associated truck queuing under future conditions both with and without the Proposed Project. The analysis results indicate truck queuing would remain in the Seaport and not extend outside of the Seaport even during peak hours on peak days of the year. A copy of the truck queuing study is included in Appendix I to this Final EIR.

Operational Landside Air Quality Impacts

The Draft EIR adequately addresses landside operational air quality impacts. Specifically, there would be no substantial change in landside activity (and therefore no substantial change in air emissions) because (1) the Proposed Project itself would not cause any increase in the total throughput of cargo coming through the Port on an annual basis; (2) the Proposed Project would not increase the overall daily peak or average emissions from landside operations; and (3) the minimal changes in truck queuing under peak conditions would not increase emissions above the baseline. Therefore, landside activities will not impact operational air quality emissions.

In this analysis, two different averaging times are primarily of concern to adequately assess the impacts of air pollutants. First are the long-term emissions, such as the amount of air pollutants emitted per year. Second is the short-term emissions, such as the 1-hour or daily amount of pollutants emitted. To develop an air emission inventory for a future project, the amount of activity (e.g., hours of use, vehicle miles traveled, cargo hauled) that will occur for each category of equipment (e.g., cargo handling equipment, truck, rail) must be estimated for the specific long-term or short-term time scale or averaging period. For an annual estimate (long-term scale), a piece of cargo handling equipment might average up to 3 hours per day; however, that piece of equipment does not work every day, because ships are not at dock every day. Instead, the cargo handling equipment will work sometimes for 8 hours a day, and then not work for several days. Therefore, the short-term air emissions would be higher per day. This illustrates that the analysis requires the overall long-term or annual emissions as well as the short-term emissions, such as

daily or hourly, to compare against different ambient air quality standards and/or health impacts in an HRA.

For the Proposed Project, there is a good estimate of the annual amount of activity that would be required based on the total throughput (TEUs in this case), which allows for reasonable estimate of the annual emissions. More limited data are available regarding the duration of short-term usages and associated engine power use.

CEQA measures the emissions attributable to the Proposed Project compared to a baseline condition. For further information regarding baselines used in this CEQA analysis, refer to Global Response 6: Air Quality Baseline.

For the long-term estimate of the Proposed Project, the activity rate is based on the typical number of hours of equipment use to handle a certain amount of cargo in terms of TEU. The EIR analyzes the first operational year for the Proposed Project compared to the same amount of cargo handled in that same year if the Proposed Project did not occur. As explained in the Draft EIR, economic growth is anticipated to occur at the same rate with or without the Proposed Project based on assumptions in the Tioga Report. Therefore, the annual activity will be the same, and emissions would be equivalent, because the same TEU is used to derive activity for the equipment use.

For the short-term impacts of hourly and daily averaging times, the comparison would verify if there was a difference in the number of hours per day or equipment used at the same time to determine if there are differences in daily or hourly activity use. As mentioned, there are differences in these values when a large vessel is unloaded/loaded compared to a smaller vessel. The larger vessels may require more hours per day and more equipment operating at the same time for a longer stretch of time, possibly over multiple days, but would have longer stretches of less intense work between vessels. Under CEQA, the impacts to air quality are concerned with the incremental change between the maximum hourly or daily emission rate between the baseline and the Proposed Project. These large vessels are already calling the Port and will continue to do so in greater frequency with the Proposed Project. Therefore, the peak hourly or peak daily emissions that occur during service of large vessels are already occurring, and are the same for the baseline and the Proposed Project, and the net difference would again be zero.

In summary, the incremental change in land-side emissions would be zero because there would not be distinguishable differences between the baseline and the Proposed Project.

B. Waterside Operations

Large Vessel Class Impacts

Some comments assume or allege that changes to the vessels calling the Port would in turn increase waterside operational emissions; this is also not the case. Because the Proposed Project is not expected to affect cargo throughput, the expected increase in vessel sizes would result in fewer total vessels. This, in turn, would actually result in reduced in-water operational emissions.

With or without the Proposed Project, cargo is forecasted to increase. The Proposed Project would continue the Port's trend of handling annual cargo volumes with fewer vessels. As discussed above under landside operations, the Proposed Project would not result in changes to Seaport landside operational constraints, nor would the Proposed Project result in truck queuing outside the Seaport roadway network.

Vessels arriving to the West Coast from foreign destinations with large volumes of import cargo generally call Southern California or Puget Sound first before calling the Port. Therefore, the Port is a "second" port of call, and does not handle large import cargo volumes. This results in the Port working only a fractional amount of a vessel's total cargo-carrying capacity. To illustrate this point and provide the operational differences between vessel classes, data from 2023 are provided in Table G-8.

Table G-8 Average Time at Berth and Average TEUs Worked Per Vessel Class for 2023

Class	TEU Capacity Range	Length Overall (feet)	Hours at Berth	Number of Calls	TEUs Worked Per Call	Percent of TEUs Worked based on Vessel Capacity
SPX	<2,800	222 to 813.3	23.4	186	927	44%
PX	2,801-4,800	572 to 970	24.8	76	1,092	29%
PPX1	4,801-6,800	661 to 1,045	40.4	152	2,164	39%
PPX2	6,801-9,900	911 to 1,205	45.2	317	2,499	29%
PPX3	9,901-15,000	Up to 1,220	57.6	249	2,701	22%
PPX4	15,001+	1,295 to 1,315	75.3	4	4,100	26%

As presented in Table G-8, although more cargo is worked by larger vessels, this does not result in a proportional increase in percent of its capacity being worked.

The proportion of larger vessels (PPX2, PPX3, andPPX4) compared to smaller vessels (SPX, PX, and PPX 1) is projected to increase, resulting in fewer total annual vessel calls required to service the same amount of cargo. Based on forecasts for 2050, as the proportion of larger to smaller vessels increases over time, approximately 477 fewer vessel calls would be required to transport the same amount of cargo to the Seaport under the Proposed Project compared to the No Project scenario for these same years (Draft EIR Table 3.1-1).

The Draft EIR analysis for Air Quality (Section 3.3.4) under Impact AIR-2, analyzed changes in emissions from in-water operations that would result from the Proposed Project. As disclosed, the Proposed Project results in less criteria pollutants and GHG emissions in future years (Draft EIR Table 3.3-10 and Draft EIR Figure 3.3-8, respectively). In summary, the reduction in total vessel calls to the Seaport under the Proposed Project would decrease air pollutant and greenhouse gas (GHG) emissions compared to a future in which the Proposed Project is not implemented.

In addition, the widened turning basins would improve the ability for larger vessels that call the Port to orient themselves in the direction necessary to use shore power to reduce their emissions while at berth. Furthermore, the larger vessels are newer, use cleaner fuel, and have the technology to plug into shore power when at berth. Therefore, for the reasons above, the Proposed Project would have a beneficial, not detrimental, effect on air quality with respect to Seaport operations.

Vessel Anchorage Emissions

Some commenters suggest that anchorage emissions would be affected by the change in vessel sizes, frequency of vessel visits, or the duration of time at anchor, and therefore, the Port should have included anchorage emissions in its waterside operational emissions analysis. The Port has undertaken further study of this issue in response to those comments and has confirmed the Draft EIR's conclusion that there would not be any meaningful change in anchorage emissions from the Proposed Project.

The Draft EIR evaluated the operational emissions associated with maintenance dredging related to the increased size of the turning basins; emissions of vessels transiting and maneuvering to and from the Seaport berths, including assist tugs; and at-berth emissions allowed by regulation and shore power energy use. The Draft EIR's evaluation of operational emissions did not include emissions from anchorage, because the Draft EIR found there to be no identifiable difference between anchorage emissions for different vessel sizes, and therefore found that such emissions would not be affected by the Proposed Project.

Whether or not a vessel goes to an anchorage is highly variable, and there are limited data to determine if vessel size is an independent factor causing a particular vessel to anchor—and once at anchorage—the duration of the anchorage time.

As historical anchorage data support, time at anchorage has significant variability between anchorage events, and did not suggest that vessel size was a factor in making the decision to go to anchor, or in deciding how long to anchor. The Carr Report referenced in the Earthjustice Coalition letter was selective in its representation of anchorage time comparing 2005 with 2020. A more accurate picture can be viewed by looking at the full data reported on anchorage times contained in the Ports 2020 Seaport Emission Inventory Table 2-8, and supplemented with 2023 anchorage data, which are presented below as Table G-9. As can be seen in Table G-9, the number of anchorage calls varied from 37 in 2012 to 307 in 2015. The total time of anchorage activity varied from 514 hours in 2012 to 17,560 hours in 2015. The average anchorage time has varied between 13.9 hours in 2012 to 57.7 hours in 2023. Therefore, as Table G-9 presents, there is annual variability and no notable trend.

Table G-9 Historic Container Vessel Anchorage Activity

Calendar Year	20r23	2020	2017	2015	2012	2005
Events	154	249	149	307	37	99
Average Time (hours)	55.7	27.4	27.0	57.2	13.9	15.2
Total Time (hours)	**8,491**	**6,815**	**4,023**	**17,560**	**514**	**1,505**

Note:

Anchorage activity provided is based on vessel berth reports provided by the San Francisco Marine Exchange. For years 2005, 2012, 2015, 2017, and 2020, the anchorage data were used in the Port's Seaport Emissions Inventory for the same year, which was also based on vessel berth reports provided by the San Francisco Marine Exchange.

An analysis of anchorage data from 2023 derived from Automatic Identification System (AIS) data on vessel calls and movements indicates that a more detailed representation of anchorage data shows that the appropriate statistical analysis should be first to consider if a vessel goes to anchorage, and then if there is a difference in the time at anchorage. Table G-10 shows the

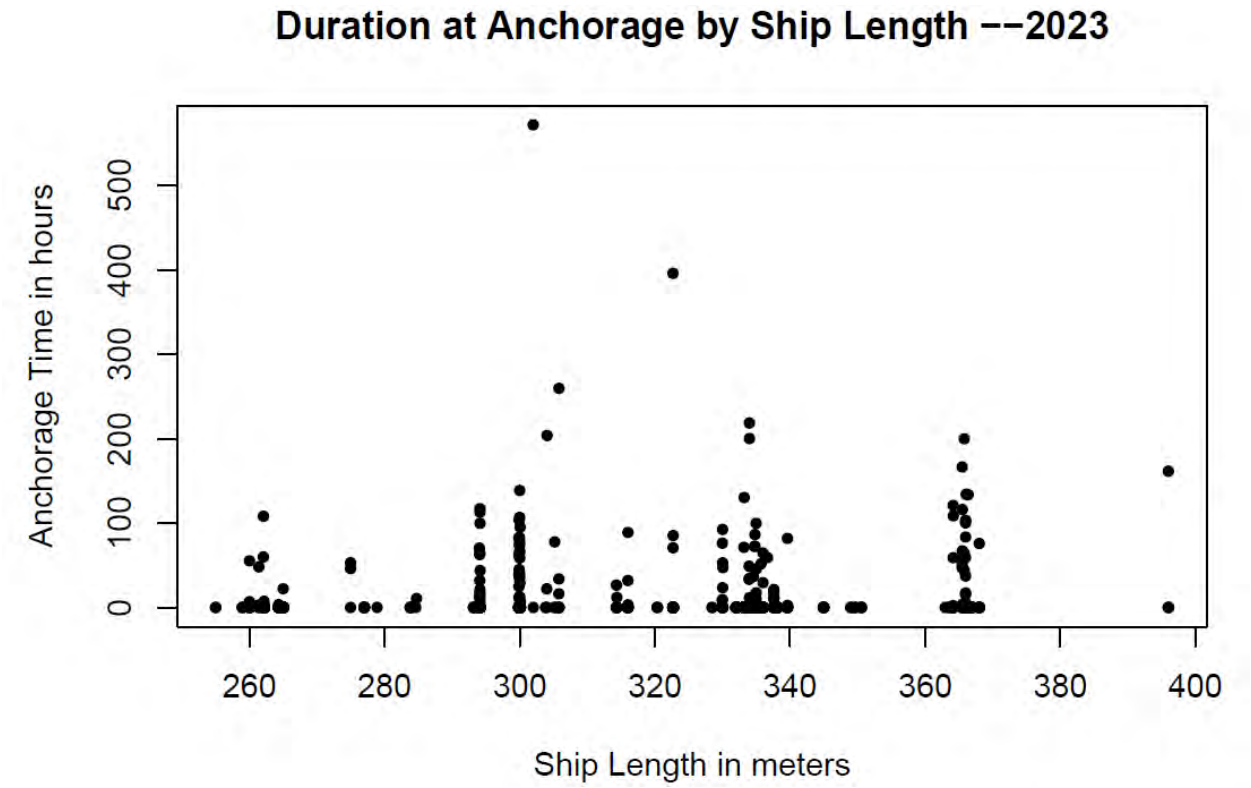
number of vessel calls to the Port and the number of times a vessel visited an anchorage site during its call to the Port. Vessel class was roughly assigned based on vessel length, because this was a variable in the AIS data. As shown in Table G-10, the most frequent choice is for a vessel calling the Port to not go to anchorage. In 2023, 86 percent of all vessel calls to the Port did not go to anchorage. This means that the most common option for a vessel arriving at the Port is not to go to anchorage, suggesting that there are specific reasons for a vessel deciding to go to anchorage. When grouped by vessel class, SPX vessels tend to have the highest percentage of calls that do not go to anchorage. These smaller vessels, which include domestic trade vessels to and from Hawaii (e.g., Matson, PASHA), operate on a fixed and predictable schedule that benefits berth accessibility assurances. In addition, Matson vessels call at their own domestic marine terminal (i.e., Matson Terminal); therefore, berth accessibility is managed exclusively for Matson vessels and anchorage for these vessels is rare. In contrast, container vessels serving international trade compete for berth access and have schedule variability, meaning these vessels have a higher likelihood of needing to wait at anchorage. There is minimal difference in the percentage of calls that a PX through PPX3 class vessel visits an anchorage. In fact, the PPX2 and PPX3 class of vessels in 2023 had lower percentage of calls to anchorage than the PPX1 class of vessels. The PPX4 class of vessels does have a higher percentage of calls to anchorage, but this is not a meaningful representation given that the data are based on only four calls compared to the other vessel classes, which include hundreds of calls. Performing a statistical test to determine if the choice to anchor is influenced by the length of the vessels using a generalized linear model with a binomial distribution for vessels with a length greater than 250 meters (generally excludes SPX vessels), the outcome is not statistically significant. Refer to Appendix H for the detailed R code used and data set. This means that statistically, it is not more likely that a longer vessel would go to anchorage.

Table G-10 2023 Container Class Anchorage Data

Vessel Class	TEU	Length (feet)	Total Vessels	Vessels to Anchorage	Percent to Anchorage
SPX	<2,800	222 to 813.3	125	5	4%
PX	2,801 to 4,800	572 to 970	133	13	10%
PPX1	4,801 to 6,800	661 to 1,045	141	28	20%
PPX2	6,801 to 9,900	911 to 1,205	287	45	16%
PPX3	9,901 to 16,000	Up to 1,220	286	47	16%
PPX4	16,001+	1,295 to 1,315	4	1	15%
All Vessel Classes	--	--	**976**	**139**	**14%**

Once a decision has been made to go to anchorage, the next analysis is to consider if the time a vessel is at anchorage is different based on vessel length. Figure G-1 shows the time a vessel is at anchorage based on vessel length for vessels greater than 250 meters in length, which generally excludes the SPX vessel class. As presented in Figure G-1, the range of anchorage times is observed fairly consistently across the vessel lengths. The longest anchorage time was for a vessel closer to 300 meters. The PPX4 vessels at the far right of the figure had the single anchorage call time within the similar length of time as vessels in the PX through PPX3 range. Conducting a statistical analysis using linear regression by vessel length greater than 250 meters, the outcome is not statistically significant. This means that statistically, it is not more likely that a longer vessel spends more time at anchorage.

Figure G-1 Duration at Anchorage by Ship Length—2023



Given the limited information, statistical analysis confirmation, and other justifiable and observed reasons for vessels visiting anchorage, this category was properly excluded from the Proposed Project analysis, because there are not reliable and consistent data to justify differences between vessel class sizes. Therefore, even if anchorage emissions were included, the anchorage emissions may have been the same value and within the variation observed historically, and representing a small fraction of the total ocean-going vessels (OGV) emissions, which are more certain in their estimation.

It should also be noted that the limited data presented by commenters to this Draft EIR were improperly categorized. Therefore, to the extent that reliable data were available to distinguish a difference in the baseline emissions compared to the Proposed Project, emissions for water-based operations were presented and discussed in the Draft EIR. Based on these emissions for

maintenance dredging and water-based NO_X and DPM, emissions in the projected operation baseline would decrease.

In summary, the incremental change in landside emissions would be zero, because there would not be distinguishable differences between the baseline and the Proposed Project.

Waterside Air Quality Impacts

The Proposed Project was able to distinguish differences in waterside operations because there was a difference in engines used for different vessels and harbor craft. The first difference is in engine size, because larger vessels typically having more propulsion engine horsepower. The second difference is in engine technology between different vessel classes that have different engine tiers and ages, which impacts emission factors. These assumptions for engine tiers and ages were based on those used by CARB in its regulatory official engine inventory models, which employed substantial evidence to derive these assumptions. Finally, the number of calls to the Port would be different and result in different activity hours for the ships. Refer to Attachment A of Appendix B, Air Quality and Greenhouse Gas Analysis Technical Report, for the waterside operations air quality analysis.

C. Health Risk Assessment

The Draft EIR includes an HRA that evaluates potential health impacts from construction emissions associated with construction of the Proposed Project. These effects were determined to be significant and unavoidable in the Draft EIR. Health effects associated with potential operational emissions are adequately captured and disclosed by the analysis prepared for the WOCAP.

Although the CEQA incremental comparison to the baseline is based on waterside operational differences discussed above, the Draft EIR did provide an assessment of the full Seaport emissions, including water- and land-based sources in the future. This is a combination of the increase in throughput (TEUs) and decreases in projected emission factors, as presented in the WOCAP analysis, which analyzed both the Seaport and other sources in the West Oakland area for the future, based on assumptions made by Air District for their analysis under AB 617. Unfortunately, not all assumptions made by the Air District are readily available for use. However, these numbers represent the Air District's best estimate of the future using the same Tioga economic growth and emission factor changes that would be two of the main factors in the future emission inventory. Therefore, because a recent exercise using the same economic growth data was recently conducted by the Air District, no additional analyses were warranted to provide an estimate of the Proposed Project operational emissions as an absolute number.

The WOCAP analysis also included an HRA for future emissions of the Seaport and West Oakland emission sources as well as sources bringing pollution into the area. Since this comprehensive HRA conducted for the WOCAP is relatively recent and based on the same overarching economic assumptions, it was not necessary to conduct another HRA for the Proposed Project operations that would produce results that would not be substantially different in the magnitude or severity of the projected health impacts from operation of the Proposed Project compared to the impacts discussed in the WOCAP HRA. While it is unclear the assumptions Air District used in the WOCAP HRA for vessel class and calls, the analysis in the WOCAP is conservative compared to the Proposed Project as it is predicted that the emissions

on an annual basis for the vessels is lower than if the current vessel class and calls were projected forward. The WOCAP HRA presents both the Seaport and the cumulative impact of sources influencing the West Oakland area. Alameda sensitive receptors were not included in the WOCAP HRA due to strict requirements for the analysis under AB617. It is not anticipated that Alameda sensitive receptors would experience health impacts substantially higher or different from the values reported for West Oakland. This is based on the pattern of risk results from other HRAs conducted for the Seaport including CARB's 2008 HRA and the general location and intensity of emission sources and wind patterns.

Thus, the Port disclosed the severity of potential health effects associated with air emissions from the Proposed Project on information reasonably available at the time of the CEQA analysis.

D. Claimed Growth Inducement

Although several commenters suggested that the Proposed Project would cause growth inducement effects, this is also mistaken for many of the same reasons discussed above. Such comments implicitly assume or outright assert that the Proposed Project would increase cargo throughput, leading to secondary effects associated with growth inducement. However, as discussed above, Port capacity and cargo throughput would be unaffected by the Proposed Project.

A project can have direct and/or indirect growth-inducement potential. For example, if a project involves construction of new housing that would result in new residents moving to the area, it might have direct growth inducement potential. If a project would establish substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or would remove an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area), it might have indirect growth inducement potential. Growth-inducement itself is not an environmental impact, but it may lead to foreseeable environmental impacts.

Draft EIR Section 6.3 included an analysis of the Proposed Project's potential growth-inducing impacts and found that it would neither directly nor indirectly induce growth. The Proposed Project is not a development project that would involve construction of new housing, nor is it a project that would result in new permanent employment opportunities, including staff for Seaport operations. Furthermore, the Proposed Project is not a development project that would remove a barrier to growth, shift cargo from one port to another, or increase the Port's container handling capabilities. As discussed above, constraints on capacity and throughput would be unaffected by the Proposed Project.

Additionally, as noted in Section 6.3. of the Draft EIR, the *2019-2050 Bay Area Seaport Forecast* (The Tioga Group and Hackett Associates 2020) indicates that the annual TEU (number of containers) serviced at the Port will increase from approximately 2.5 million TEU in 2020 to over 5 million TEU by 2050, under a moderate growth scenario. This forecast is based on international TEU forecasts of imports and exports, and is independent of the Proposed Project. This forecast also indicates that the Port is limited by backland capacity (constraints of the yard), not berth capacity. As stated above under the earlier Landside Operations section of this Global Response 5, widening the turning basins does not add additional backland capacity, nor does it add berth area to increase the number of vessels able to berth. Although the Proposed

Project would increase efficiencies in waterside operations, it does not expand or create new landside cargo handling facilities that would alleviate capacity constraints at the Port, and would not increase cargo throughput. With or without the Proposed Project, the forecasted moderate annual cargo growth rate is 2.2 percent (The Tioga Group and Hackett Associates 2020).

The Proposed Project's effect of facilitating larger vessels to call the Port more efficiently is also not expected to result in growth-inducing impacts. This is supported by historic data. As explained in Draft EIR Section 6.3, large vessels are not directly correlated to an equal growth-inducement relationship. For example, although the length of vessels visiting the Port increased from 1,100 feet in 2011 to 1,300 feet in 2022 (i.e., the size of vessel visiting the Port increased), the total annual volume of containers serviced in 2011 and 2022 was unchanged. Therefore, the transition to larger vessels did not result in cargo growth. Instead, larger container vessels allowed the same number of containers to be moved with significantly fewer vessels; again by way of example, for the same number of containers serviced at the Port for years 2011 and 2022, there were 2,100 vessel visits in 2011 and 818 vessel visits in 2022, an approximately 61 percent reduction in vessel visits. Container vessels generally operate on a fixed weekly schedule,[2] and this will remain unaffected by the Proposed Project. By improving waterway efficiencies, vessels can maintain consistent and reliable weekly schedules. Likewise, the Proposed Project is not anticipated to induce growth due to a future fleet mix visiting the Seaport that includes an increase in the frequency of visits from larger vessels (which are already visiting the Port) compared to smaller vessels.

Nor would growth inducing effects result from the Proposed Project's continuance of the Port's trend of handling annual cargo volumes with fewer, larger vessels would not result in growth-inducing effects. The number of containers serviced at the Seaport varies from year to year in accordance with changes in global economics. A variety of factors influence global economics and the number of containers serviced at the Seaport. A few of these factors include large-scale global changes in trade policies, economic policies, availability of natural resources, and global events (such as pandemics). Smaller-scale factors include regional changes in gross domestic product, population, and agricultural economics. These factors are forecasted to remain complex and fluid, and will continue to direct the number of containers the Port will service in the future. This is evidenced by trends following the last expansion of the turning basins. The -50-Foot Project, completed in 2009, both widened and deepened the IHTB and OHTB to accommodate larger vessels. As confirmed by annual growth data, following implementation of the -50-Foot Project, a reduction in annual growth occurred in comparison to pre-project conditions. Specifically, average cargo growth at the Port in the 11 years prior to the -50-Foot Project was 2.4 percent; in the years following the 50-Foot Project, average annual growth dropped to 1.5 percent. Post-project cargo growth was curtailed by recession related to slower economic activity over this time period, further highlighting the direct correlation between cargo demand and annual throughput volumes as determined by regional and global economic factors, not vessel size. As another example, the Port of Los Angeles (POLA) completed a 10-year project, deepening its Main, West Basin, and East Basin Channels in 2013. POLA's post-deepening market share, as depicted in Draft EIR Figure 6.3-4, has remained relatively constant since the completion of their deepening project.

[2] The Port has one service that calls on a frequency of 2 weeks, known as a fortnightly service.

The conclusion that widening the turning basins to allow more efficient larger vessel calls would not result in growth inducing impacts is therefore consistent with historical trends, and also consistent with similar studies in approved EIRs. For example, The Port of Long Beach (POLB) completed a Deep Draft Navigation Study with the USACE, and released a Final Integrated Feasibility Report (POLB Report) in October 2021. The POLB Report proposes to deepen the entrance to the Main Channel and to widen and deepen several channels to handle larger vessels. The POLB Report also assumes their potential project will not induce growth for some of the same reasons cited in this analysis, specifically:

- The POLB project purpose is to reduce transportation inefficiencies, which does not induce growth: "For the proposed Project, benefits were derived mainly from transportation cost savings (e.g., increased loads for existing vessels, switching to larger vessels, enhanced maneuverability, and delay reduction), or higher net income to commodity users or producers (as a result of lower transportation costs) during the economic period of analysis. While these are considered economic benefits, they would have a negligible effect on the local economy." (POLB Report Section 12.8.2)
- The POLB is limited by backland capacity and the project will only result in fewer, larger vessel visits: "While the proposed Project would result in larger vessels calling at the Port, the efficiencies afforded by accommodating these larger vessels would in turn reduce the total number of smaller vessels calling at the Port over time. Furthermore, while these larger vessels could accommodate larger cargo and liquid bulk loads, the overall throughput at the Port would not be affected by the proposed Project. The primary factor related to throughput is the backland storage areas, which are constrained and at capacity. Therefore, the efficiencies would not increase throughput, thereby contributing to added operational effects within the Port." (POLB Report Section 12.8.2)

In summary, widening the turning basins would neither materially change Seaport landside operations nor induce growth, and therefore would not result in increased environmental impacts, such as air emissions and traffic, from the servicing of cargo at the Seaport compared to existing operations. Furthermore, as described under the earlier Waterside Operations section of this Global Response 5, the Proposed Project would have a beneficial, not detrimental, effect on air quality with respect to Seaport operations.

G.4.6 Global Response 6: Air Quality Baseline

This global response addresses comments suggesting that the Air Quality and GHG analysis used an incorrect CEQA baseline. The commenters suggested that the analysis improperly used a future baseline rather than comparison to existing baseline conditions.

Baseline Conditions Under CEQA

Baseline conditions are used as a benchmark to measure the significance of project impacts. Under CEQA Guidelines section 15125, the baseline conditions are normally environmental conditions that exist at the time the notice of preparation (NOP) is published, or when the environmental analysis begins. However, CEQA grants lead agencies discretion to develop an environmental baseline using historic and/or projected future conditions where warranted for a particular project.

Section 15125 (a) (1) states that where existing conditions change or fluctuate over time, or where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may incorporate historic conditions, or conditions expected when the project becomes operational, into its defined baseline conditions. Section 15125 (a)(2) allows a lead agency to use a projected operation baseline if the agency demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. The use of projected operation conditions as the baseline must be supported by reliable projections based on substantial evidence in the record. For changes to an existing operation, the baseline may reasonably include the facility's established levels of use, which would allow for use of past years where cargo volumes were higher than the time of the NOP as established in *Fairview Neighbors v. County of Ventura* (1990) 70 Cal.App.4th 236.

In addition, a lead agency may also use a dual-baseline approach, measuring project impacts against both a current conditions baseline and a projected baseline.

Here, the Port exercised its discretion under Section 15125 to ensure the most accurate and informative disclosure of the impacts of the Proposed Project. Most of the impacts of the Proposed Project are associated with construction; for these impacts, including construction air quality impacts, the Port used a current conditions baseline. However, for air quality impacts associated with operation of the Proposed Project, the Draft EIR used a projected baseline that evaluated projected operation baseline conditions in 2030, 2040, and 2050. This approach was used to ensure that the Draft EIR was able to distinguish the changes that are a result of the Proposed Project separate from growth in cargo and emission improvements due to regulations and fleet turnover to best represent the Proposed Projects contribution to operational air quality impacts. This approach is consistent with CEQA, as described further below. However, for disclosure purposes, this response also addresses Proposed Project operational impacts as compared to a current conditions baseline.

Construction Emissions Compared to Current Conditions Baseline

Construction of the Proposed Project would occur in the relatively near future while the Seaport continues to operate, so it is appropriate to use current conditions as the baseline year. Therefore, to measure the significance of construction criteria air pollutant and GHG emission, the EIR evaluated the incremental increase in emissions as compared to current conditions. To establish the current conditions baseline, the EIR uses the 2020 Seaport Emissions Inventory, as reflected in Table 3.3-2, and the associated air quality and GHG impacts are reflected in Tables 3.3-13 and 3.8-2. Accordingly, the EIR appropriately used a current conditions baseline for construction impacts.

Projected Baseline for Operational Air Quality Impacts

The EIR appropriately used a projected baseline to evaluate air quality and GHG impacts associated with Proposed Project operation. A projected operation baseline was necessary to ensure that the Draft EIR did not misjudge operational air quality impacts. The Proposed Project schedule assumes construction will start in 2027, and finish in 2029, with 2030 being the first full year of operation. Absent growth, nonproject emissions at the Port in 2030 will be lower than under current conditions for a variety of pollutants, including NO_X, as a result of increasingly stringent regulations and new and developing technologies. This is consistent with CARB's OGV projected emissions inventory that reflects the impact of these regulations and technologies. Accordingly, measuring operational air quality impacts against current conditions

using current cargo volumes would actually result in those impacts looking incrementally smaller than they would if compared to a projected operations baseline. Therefore, using a current conditions baseline to evaluate operational air quality impacts would have been affirmatively misleading and would have artificially reduced Proposed Project impacts, and the Port appropriately exercised its discretion to select a projected operations baseline for this limited set of impacts.

Furthermore, substantial evidence supports the assumptions about projected operational conditions in 2030, 2040, and 2050. The Draft EIR relied on the 2019-2050 Bay Area Seaport Forecast prepared for the San Francisco Bay Conservation and Development Commission, which projects growth in cargo of 2.2 percent per year and relied on a USACE economic analysis that forecasted the future fleet of vessels expected to call the Port. The USACE used historical fleet deployment, Oakland vessel capacity, the world fleet forecast, and forecasted share of capacity by vessel class to distribute the projected future cargo by tonnage. This was followed by using historical average percent empty containers, arrival drafts, and box weights to determine the number of calling vessels. This produced the information on the fleet mix of vessels and number of calls for the vessel in each vessel class under both the projected operation with the Proposed Project and projected operation without the Proposed Project scenarios.

Emission factors incorporating existing regulations requirements for at-berth use of shore power and the requirement for higher tier engines in newer vessels was used by forecasting fleet age distributions for 2030, 2040, and 2050 by applying the vessel age distribution from the 2020 Seaport Emissions Inventory to each future year. These adjustments to emission factors are consistent with emission inventory projections used by other agencies such as CARB in their OGV and harbor craft regulations. Further details of projected operation forecasting can be found in Attachment A, Future Vessel Call Air Emissions with and without Oakland Turning Basins Widening Project Memorandum of Appendix B, Air Quality and Greenhouse Gas Analysis Technical Report. Table G-11 is a reproduction of Table 8 from Attachment A of Appendix B.

Table G-11 OGV and Assist Tug Voyage Emissions (tons) by Calendar Year

Calendar Year	TEUs (1,000s)	Scenario	ROG	CO	NO_X	SO_X	PM_{10}	$PM_{2.5}$	DPM
2030	3,310	No Project	77.5	147	1,280	65.9	20.9	19.3	13.2
		Proposed Project	75.1	144	1,245	64.5	20.5	18.9	12.8
2040	4,123	No Project	95.4	181	1,510	81.6	25.9	23.9	16.2
		Proposed Project	86.9	169	1,391	76.3	24.3	22.3	14.9
2050	5,188	No Project	110.1	213	1,750	96.3	30.6	28.2	18.9
		Proposed Project	95.8	192	1,559	87.4	27.8	25.6	16.7
2020	2,462	Baseline	60.0	116	1,394	49.7	17.2	15.9	11.7

The comparison of the Proposed Project operational emissions for all years (2030, 2040, and 2050) indicate that all criteria air pollutants would be lower compared to the same years 2030, 2040, and 2050 under the No Project scenario.

Project Operational Impacts as Compared to a Current Conditions Baseline

In response to comments, the Port analyzed potential impacts of the Proposed Project using a current conditions baseline approach. As discussed below, under two analytical approaches, Project conditions are essentially equivalent to the current conditions baseline, Therefore, even using a current conditions baseline as the commenters suggest, Project impacts are less than significant.

A comparison of the Proposed Project Operational impacts to a current condition baseline is shown for two situations below. The first is the comparison for a traditional CEQA baseline where it is assumed that the Proposed Project was completed in the same time period as the current conditions baseline. The second is a comparison of the Proposed Project projected Operational impacts in 2030 compared to the current conditions baseline.

The Draft EIR presented the results of the 2020 Seaport Emissions Inventory, the most recent comprehensive emission inventory. The Port periodically prepares a comprehensive emission inventory. This 2020 emission inventory had slightly higher TEU throughput of 2.5 million compared to 2022, and therefore contained values that could be considered as baseline conditions when the NOP was issued and used for comparison to the 2030 operational emissions presented in the Draft EIR. The comparison is based on the 2020 Seaport Emissions Inventory values for OGVs and assist tugs, which are the two types of activities used in the operational emissions for the Proposed Project. The assist tug emissions are based on the revised load factors for tugs used in CARB's most recent emission inventory, and outlined in the 2020 Seaport Emissions Inventory: Update of Commercial Harbor Craft Emissions (Ramboll 2023). Note that emissions from vessels at anchorage were not included in vessel emissions because the size of vessels has not been found to correlate with time at anchorage (refer to response to comment EJC-22).

Current Conditions Proposed Project Compared to Current Conditions Baseline

In addition, the Port conducted an analysis of Proposed Project emissions compared to a current conditions (No Project) baseline using emissions from the 2020 Emissions Seaport Inventory. In summary, Proposed Project operational air quality and GHG emissions would be the same as current conditions, resulting in a less-than-significant impact even compared to a current conditions baseline. As discussed in detail below, if the widened turning basins were to exist in current conditions, there is no change anticipated in the number of calls and types of vessels that would call the Port. There would be no change in the cargo handled (TEU) and no change in OGVs and tug emission factors due to regulatory changes and fleet turnover.

If the Proposed Project were completed in 2025, there are no data to suggest that the fleet mix would change. Therefore, the Port could not conduct an economic analysis projecting changes in fleet mix for current conditions with and without the Proposed Project, as was done for conditions in 2030, 2040, and 2050.

The Port investigated the vessel fleet mix and vessel calls at several West Coast seaports that handle container cargo to determine if there has been substantial changes to vessel calls and/or vessel fleet mix at other West Coast seaports that have completed navigational waterway improvements such as channel deepening or turning basin widening, or do not need additional improvements to their navigation waterway. Data were evaluated for the Port of Los Angeles, Port of Long Beach, Ports in the Puget Sound, and the Port of Oakland for 2016 and 2021, because these were years in which consistent data were available for all seaports.

The Port of Los Angeles completed channel deepening in 2016. The Port of Long Beach will be starting channel widening and deepening projects in the near future. Some ports in the Puget Sound will not need any modifications, and others such as parts of the Port of Tacoma will be starting channel widening and deepening projects in the near future. Changes in the size of vessels calling these ports are presented for 2016 and 2021, which were years were data were available for all ports. Tables G-12 and G-13 show the number of vessel calls for these ports for 2016 and 2021, as well as the percentage of total container vessel calls for these ports. Figures G-2 and G-3 represent the data in Table G-12.

Table G-12 2016 Vessel Calls for West Coast Ports of PPX2, PPX3, and PPX4 Class Vessels

Port	2016				2021			
	PPX2	PPX3	PPX4	Total	PPX2	PPX3	PPX4	Total
Port of Los Angeles	319	110	1	430	250	204	28	482
Port of Long Beach	249	173	1	423	99	293	12	404
Puget Sound Ports	245	83	1	329	163	95	2	260
Port of Oakland	405	204	2	611	225	157	5	387

Notes:

[1] All the ports except Oakland were assigned to a vessel class based on container size of ship, because this was how the data were reported.

[2] PPX2 was for vessels with container size of 7,000 to 9,999; PPX3 was for vessels with container size of 10,000 to 13,999; and PPX4 was for vessels with container size 14,000 and above.

Table G-13 2016 Vessel Calls Percent of Total Container Calls for West Coast Ports of PPX2, PPX3, and PPX4 Class Vessels

Port	2016				2021			
	PPX2	PPX3	PPX4	Total	PPX2	PPX3	PPX4	Total
Port of Los Angeles	25%	9%	0%	34%	27%	22%	3%	52%
Port of Long Beach	27%	19%	0%	46%	11%	32%	1%	44%
Puget Sound Ports	25%	9%	0%	34%	18%	11%	0%	29%
Port of Oakland	23%	12%	0%	35%	27%	19%	1%	46%

Notes:

[1] All the ports except Oakland were assigned to a vessel class based on container size of ship, because this was how the data were reported.

[2] PPX2 was for vessels with container size of 7,000 to 9,999; PPX3 was for vessels with container size of 10,000 to 13,999; and PPX4 was for vessels with container size 14,000 and above.

Figure G-2 2016 Vessel Calls for West Coast Ports of PPX2, PPX3, and PPX4 Vessel Classes

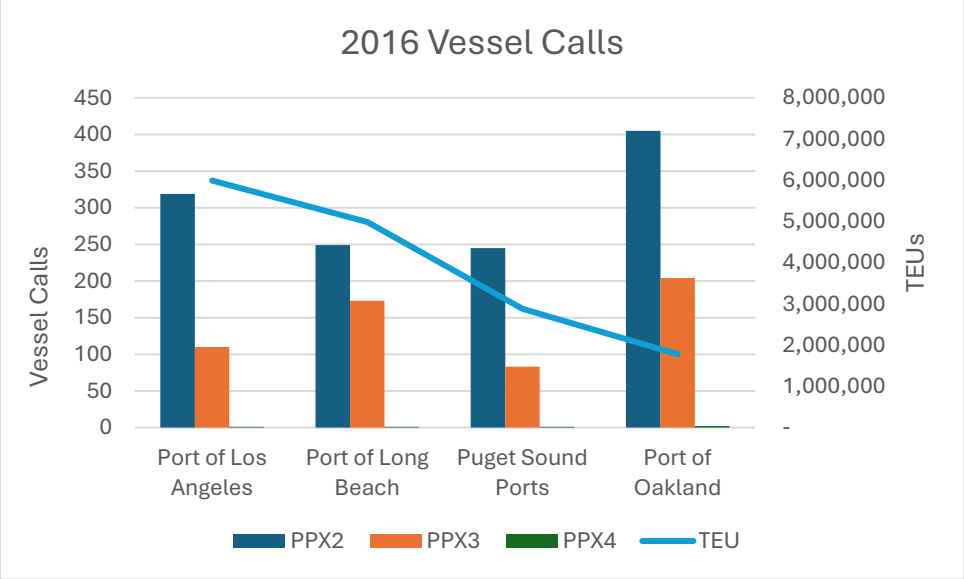
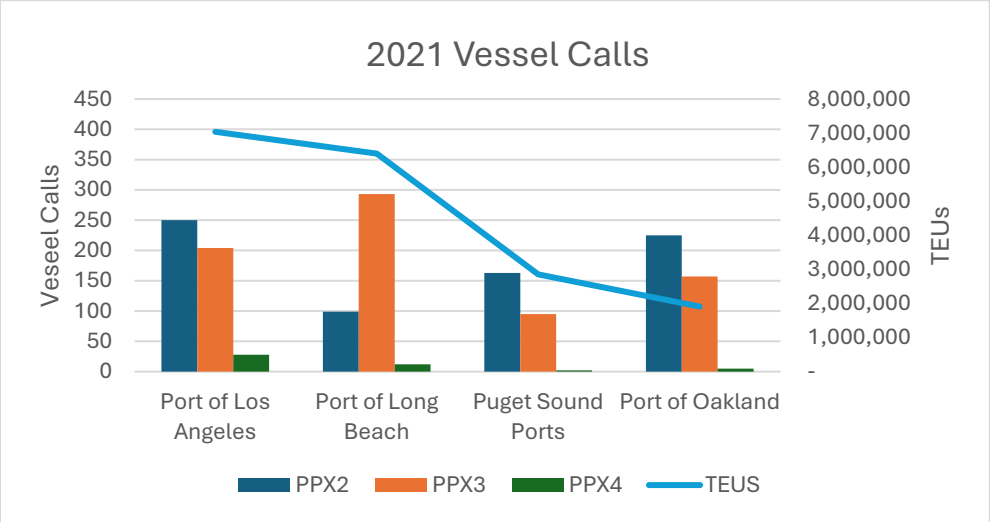


Figure G-3 2021 Vessel Calls for West Coast Ports of PPX2, PPX3, PPX4 Vessel Classes



As illustrated by these data, all ports saw an increase in PPX4 calls, with the Port of Los Angeles and Port of Long Beach receiving the most calls of PPX4 vessels. The percentage of total container vessels by PPX2, PPX3, and PPX4 increased from 2016 to 2021 for the Port of Los Angeles and Port of Oakland, while the Port of Long Beach and the Puget Sound Port remained the same, or had a slight decrease for these three vessel classes. The Port of Los Angeles and Port of Long Beach had an increase of container volume of 17 percent and 28 percent, respectively. The Port of Oakland showed less growth at 7 percent, and the Puget Sound Port had about the same growth, showing less than a 1 percent decrease. These data support the assumption that there is still not a lot of penetration of the very large PPX4 vessels to West Coast

ports. It also shows that the increase in the PPX2 through PPX4 classes is not tied to a port having deeper and/or wider turning basins, because overall percent increase in PPX2-PPX4 was found most in the Port of Los Angeles (with widening complete) and Port of Oakland (not widened), with the Port of Long Beach and Puget Sound Ports seeing minimal change in the percentage of these PPX2-PPX4 vessels. The highest number of PPX4 vessels was to the Port of Los Angeles (with widening complete) followed by Port of Long Beach (not widened), which suggests that the few PPX4 vessels primarily called to the Ports with the largest growth rather than having a widened turning basin.

Therefore, the assumption that there would not be a change in vessel call or vessel fleet mix for the Proposed Project under current conditions baseline is valid, and there would not be any change in the annual emissions inventory for the Port from its current condition baseline. The impact for operational emission would be less than significant for air quality.

The CEQA analysis in the Draft EIR properly used the projected operational conditions as baseline conditions, rather than the existing conditions at the time of the NOP. Furthermore, Proposed Project operational impacts would be less than significant even when compared to a current-conditions baseline.

Projected Proposed Project 2030, 2040, and 2050 Conditions Compared to Current Conditions Baseline

This scenario is being reported for informational purposes only and does not represent a CEQA baseline comparison because it includes growth and emission changes not attributable to the Proposed Project.

Turnover of vessel fleets will continue to occur, meaning different engine tiers and lower emissions overall by 2030. For instance, Tier 3 engines, which have substantial reductions in NO_X emissions, were required to be in vessels manufactured in or after 2016; therefore, the percentage of vessels with Tier 3 engines is substantially lower in 2022 than in the future operational years. This vessel turnover will continue to occur in the projected future for 2040 and 2050. In 2030, it is estimated that only 73 percent of the fleet would have Tier 3 engines, while in 2050, 94 percent of the fleet would have Tier 3 engines. The Commercial Harbor Craft Regulation in California will require Tier 4 assist tugs in 2030 compared to lower engine tiers in use during the NOP baseline year. These vessel and tug regulations are key to the State's and WOCAP strategies in reducing air pollutant emissions, and it would be inappropriate to not account for their impact, which will improve air quality with and without the Proposed Project. The Port's forecasted growth is 2.2 percent annually. Neither of these assumptions would be used for a CEQA current condition baseline analysis. Refer to Global Response 5: Operational Impacts under Claimed Growth Inducement for a discussion on why the Proposed Project is not growth inducing.

Table G-14 shows the emissions and their differences if one were to compare the current operational air emissions to the 2030, 2040, and 2050 projected operational emissions from the Proposed Project. The NO_X emissions show a net decrease in 2030 and 2040. In 2050, there is an in increase in NO_X emissions due to increased throughput. All other pollutants show an increase when compared to the current conditions.

Table G-14 2030, 2040, 2050 Operational Emissions Compared to Current Operational Emissions

Scenario	TEU Throughput[3] (million)	Vessel Calls[4]	CO (tons)	ROG (tons)	NO_X (tons)	PM_{10} (tons)	$PM_{2.5}$ (tons)	CO_2e (tons)
2020 Current Conditions[1]	2.3	817	116.14	59.97	1,394.37	17.20	15.86	87,291
2030 Proposed Project[2]	3.3	1,683	144.41	75.29	1,245.62	21.13	19.17	112,407
2040 Proposed Project[2]	4.1	1,851	169.59	87.08	1,391.85	24.87	22.62	133,441
2050 Proposed Project[2]	5.2	1,949	192.68	96.00	1,559.30	28.40	25.88	154,179
Incremental Increase in 2030 from Current[5]	--	--	28.27	15.32	-148.75	3.93	3.31	25,116
Incremental Increase in 2040 from Current[5]	--	--	53.45	27.11	-2.52	7.67	6.76	46,150
Incremental Increase in 2050 from Current	--	--	76.54	36.03	164.93	11.20	10.02	66,888

Notes:

[1] The 2020 current conditions are from the 2020 Seaport Emissions Inventory as updated in 2023 for tugs. It includes OGVs and assist tug emissions. It does not include OGV anchoring emissions.

[2] The With Project operational emissions include OGV and assist tug emissions as well as the incremental increase in dredging emissions. It does not include OGV anchoring emissions.

[3] TEU throughput is based on throughput for 2020, and forecasted throughput for years 2030, 2040, and 2050, based on the 2019-2050 Bay Area Seaport Forecast using the moderate growth forecast.

[4] Vessel calls are based on vessel call data for 2020, and forecasted vessel calls for years 2030, 2040, and 2050 from Appendix C, Economics, of the April 2023 *Revised Draft Integrated Feasibility Report and Environmental Assessment.*

[5] All values are in increase from current with the exception of NO_X in 2030 and 2040.

G.4.7 Global Response 7: Air Quality Mitigation Measures

This global response addresses comments on the Air Quality analysis in the Draft EIR, and more particularly the following: (A) various mitigation measures that commenters suggested should be considered for inclusion in the EIR to further reduce air quality impacts; (B) comments expressing concerns with fugitive dust and the mitigation of fugitive dust; (C) assertions that the Draft EIR included deferred mitigation measures for air quality, or that some air quality mitigation measures did not have clearly defined performance standards; and (D) suggestions that the Port should require the use of zero-emission or alternative fueled vehicles and equipment for construction of the Proposed Project, and the use of zero-emission vehicles and equipment during post-project operation.

A. Air Quality Mitigation Measures

The Draft EIR proposed mitigation measure AIR-1 to reduce the potentially significant air quality impacts related to construction, which even after implementing all feasible measures, remain significant and unavoidable. Mitigation Measure AIR-1 is listed below using underline to denote additions the Port has incorporated in response to comments and strikeout to reflect any removal of text from the mitigation measures. Following the listing of MM-AIR-1 is a list of mitigation measures proposed by commenters and the Port's rationale for not including these mitigation measures due to infeasibility or duplication of items in the Draft EIR as a mitigation measure.

Mitigation Measure MM AIR-1: Construction Air Quality Mitigation

The Port shall require ~~the~~ all contractors to implement construction-related air quality emission reduction measures. All requirements will be included as contract conditions in applicable bid documents and specifications, purchase orders, and contracts, with the contractors demonstrating the ability to implement all air quality mitigation outlined in this mitigation measure, including supplying the inventory of compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities. The Port and its contractors shall implement all measures as outlined by their performance criteria during construction of the Proposed Project ~~are~~ as follows:

a. Require all diesel-fueled off-road construction equipment used on land to be equipped with USEPA Tier 4 final compliant engines or better as a condition of contract. An exception to the requirement for engines to meet Tier 4 Final emission standards may be granted if ~~unless~~ a unique piece of equipment is not available as a Tier 4 engine. ~~In order t~~To be considered feasible for use, a piece of equipment must be available through at least two commercial rental facilities in the San Francisco Bay Area Air Basin. For any piece of equipment that it is infeasible to obtain, the contractor shall use the lowest-emission vehicle or equipment that is commercially available (i.e., available through at least two commercial rental facilities in the San Francisco Bay Area Basin).

b. Use zero-emission and hybrid-powered equipment, to the greatest extent possible. The performance criterion for meeting this standard assumes availability by at least two commercial rental facilities in the San Francisco Bay Area Air Basin. Equipment in this part should include handheld equipment, forklifts, loaders, and other forms of yard and construction equipment. Electric dredgers will be used for all dredging subject to the exception listed in MM-ENE-1.

c. Require all on-road heavy-duty trucks to be a 2015 model year or newer truck.

d. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes. Provide clear signage that posts this requirement for workers at the entrances to the site. The Port will conduct random monthly surveys to check for compliance with idling times to ensure compliance with this measure.

e. Require all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications. Equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

f. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day to prevent visible airborne dust from leaving the site.

g. All haul trucks transporting soil, sand, or other loose material off site shall be covered.

h. All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or other suitable practices to remove dirt from tire mechanisms shall be employed to minimize occurrences of trackout. The use of dry power sweeping is prohibited.

i. All vehicle speeds on unpaved roads shall be limited to 15 mph.

j. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

k. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph in a given hour as indicated by an anemometer or windsock.

l. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

m. Unpaved roads providing access to sites 100 feet or further from a paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.

n. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be posted on a publicly visible sign to ensure compliance with applicable regulations.

o. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

p. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

q. Plant and maintain vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and water the groundcover appropriately until vegetation is established.

r. Install sandbags or other erosion control measures, such as blankets or mats, to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

s. Minimize the amount of excavated material or waste materials stored at the site.

t. Hydroseed or apply nontoxic soil stabilizers to construction areas, including previously graded areas, that are expected to be inactive for at least 10 calendar days.

Suggested changes to MM-AIR-1:

The City of Alameda suggested edits to Mitigation Measure AIR-1. The Port has partially incorporated some of these suggested edits to clarify the language for contractor implementation of the mitigation measures.

The City of Alameda has requested that documentation regarding implementation of mitigation should be provided to the City of Alameda. However, the City of Alameda is not a "responsible agency" as discussed in response to City of Alameda comment Ala-2. The Port is responsible for enforcing its Mitigation, Monitoring, and Reporting Plan to ensure that there is compliance with all mitigation measures. Providing information to the City of Alameda, which has no jurisdiction over the Proposed Project, would not reduce Proposed Project impacts. The Mitigation, Monitoring, and Reporting Plan is a publicly available document.

The City of Alameda suggested that there should be an equipment inventory of off-road equipment to be used and maintained on the Proposed Project site. The Port has incorporated this suggestion in subsection 3.3.4, and would make this equipment inventory list available on request.

The Port is required to ensure that all equipment and vehicles used for the Proposed Project meet the regulatory requirements, which includes labeling and production of certification that their fleets are compliant with the existing regulations. Reporting the vehicles used and their certifications to the City of Alameda would not reduce the Proposed Project's air quality impacts. Nonetheless, once this information becomes available, it would be available to the Port by requesting a detailed spreadsheet of information from the contractors from their Diesel Off-Road Online Reporting System (DOORS) or TRUCRS compliance reports. The Port would maintain this equipment report information electronically where all documentation of the Mitigation Monitoring and Reporting Program (MMRP) would be saved. This information would not be stored on site. To the extent that the comment suggests that the Port and/or contractors would not comply with the proposed mitigation measure or regulatory requirements, there is no evidence to support such a claim. The mitigation measure as drafted is enforceable, and the Draft EIR reasonably and appropriately assumes that regulatory requirements would be followed.

In part a, the Port added a clarification to the exception for Tier 4 Final engines. The Port includes requirements for proper maintenance and tuning in part e of Mitigation Measure AIR-1, and is of the opinion that there is no need to add further descriptions to documentation availability.

The Port has added language to part b stating the use of electric dredgers. The Port declines adding additional criteria suggested by Alameda, because part a would be applicable to any fossil-fueled engines. For more information on the feasibility of using zero-emission equipment and vehicles refer to Global Response 7: Air Quality Mitigation Measures.

The Port declines to include the additions to part c regarding zero-emission technology or renewable natural gas/compressed natural gas (RNG/CNG) trucks due to the potential for the specific type of truck needed for the Proposed Project not being readily available; and instead, is requiring at least 2015 model year or newer trucks because this model year corresponds to on-road engines with lower emissions requirements as well as improved on-board diagnostics, which further help to decrease air emissions. Please also refer to response to comment Global Response 7: Air Quality Mitigation Measures.

The Port declines to include the additions to part d as compliant with existing regulations is required and assumed.

The Port declines to include the additions to part e because they would not reduce any environmental impact. Refer to response to proposed modifications to part a above for further information.

The Port modified part f, which suggests increasing watering frequency to state a minimum requirement of twice per day to reduce visible fugitive dust. The Port declines to add the requirement for watering when wind speeds exceed 15 miles per hour because it would not effectively reduce visible fugitive dust. The mitigation measure uses the appearance of visible dust as a performance standard to address whether additional watering is required rather than wind speed, which is an arbitrary measure. A wet pile would not necessarily need additional watering at 15 miles per hour, and implementation of a wind-speed-based metric would result in water waste. In addition, stockpiles also tend to develop an outer layer of crust that reduces the amount of fugitive dust generated by wind. As drafted, the measure allows for efficient water use necessary to control the fugitive dust while not wasting water, which can be important to conserve during drought years. The Port declines to adopt the proposed addition of using reclaimed water because it would not effectively decrease the air quality impacts. In addition, use of reclaimed water could increase fugitive dust due to reclaimed water typically having higher content of salts, which may increase fugitive dust emissions during watering as these droplets evaporate.

The Port declines to adopt the proposed addition to part n of contact people for nonresponsible agencies such as the City of Alameda and Oakland because this would not reduce project impacts.

The Port declines to adopt the need to add the term nontoxic in part q because the term nontoxic is not applicable to native seed. Native seed is inherently not a toxic material.

The Port declines to adopt the proposed addition to part t to include enclosing and covering exposed stockpiles because adequate mitigation is already specified in part q and part t for fugitive dust from stockpiles. The additions suggested are duplicative of measures already listed.

The Port declines to include the addition of part u suggested by the City of Alameda because compliance with existing regulations is assumed under CEQA. Therefore, the proposed addition would not reduce air quality impacts if added because the suggested measure is an existing regulation that the Proposed Project must comply with.

The City of Alameda proposed a new mitigation measure for air quality for monitoring and reporting. The Port declines to include the request for installing and maintaining air monitoring stations in and around the turning basin site because such monitoring would not reduce the air quality impacts found to be significant in the EIR. The Port declines to include adding a specific mitigation measure ensuring the dock doors, loading zones, and other on-site operations are located furthest from sensitive receptors, because there is no evidence that it would reduce significant air quality impacts. The Port is already planning to limit where construction areas may occur to specific portions of the site designated as construction and staging areas.

The City of Alameda proposed adding a new mitigation measure for sensitive receptors. It is suggested that all construction staging facilities be sited at least 1,000 feet away from the nearest sensitive receptor. This is infeasible, because even some of the land to be excavated is closer than 1,000 feet from some of the sensitive receptors noted. It is suggested that the Port require installation of air filters at sensitive receptors within a 600-foot radius of the turning basin and all

construction areas. The Port does not have authority to require third parties to implement mitigation measures and install air filters in buildings not within Port jurisdiction.

The Alameda Housing Authority suggested pushing the removal of dredged material to the Oakland side of the Proposed Project, and for the barges to be filled on the Oakland side. The Port considered options to reduce truck trips in Oakland and Alameda, including the use of barges for transporting excavated and dredged material, as described in Global Response 4: Reducing Local Truck Trips. The Alameda Housing Authority suggested that air and soil testing be conducted. The Port declines to include this suggestion because monitoring would not actually mitigate impacts to air quality, and because there is no evidence to suggest any material deposition of toxic contaminants in soil would result from the Proposed Project (also refer to response to comment AlaHA-2). The Alameda Housing Authority suggested providing upgrades to filtration systems at all residential buildings near the construction. The Port declines to add this suggestion because the Port lacks authority to require action by third parties not within Port jurisdiction.

The California Attorney General's Office suggested adding to Mitigation Measure AIR-1 part b all forms of equipment, including handheld equipment, cargo-handling equipment, and other forms of yard and construction equipment. These other forms of equipment have been incorporated into the Draft EIR. The California Attorney General's Office also suggested that the Port prohibit diesel-powered equipment unless necessary in an emergency. This suggestion was declined by the Port, because the Proposed Project would likely still need diesel-powered construction equipment for use during the construction of the IHTB and OHTB due to availability of equipment, which is why Mitigation Measure AIR-1 has parts a and b, based on likely feasible availability of equipment. Installing air filters at sensitive receptors near the Proposed Project was declined as discussed above for the City of Alameda because it would not reduce the air quality impacts found to be significant in the Draft EIR, and the Port does not have authority to require third parties to implement mitigation measures not within Port jurisdiction.

Requiring facilities to install solar panels and Tier 2 green building and Leadership in Energy and Environmental Design standards was declined because the Proposed Project does not contain any building facilities. Therefore, this would not reduce the air quality impacts found to be significant in the Draft EIR.

The Air District suggested prohibiting or minimizing the use of diesel fuel. The Port has included several provisions in Mitigation Measure AIR-1 to minimize the use of diesel fuel, but it is infeasible to prohibit the use of diesel fuel, because currently there is not readily available alternative equipment for use in construction equipment, including trucks, as well as OGVs and harbor craft. Mitigation Measure AIR-1 parts b, d, and e all help to minimize diesel fuel emissions. The Air District suggested that the Port prohibit trucks from idling for more than 2 minutes, which is already in Mitigation Measure AIR-1 part d. The Air District suggested requiring the use of grid power for construction activities whenever possible, and if grid power is not available, use alternative power such as battery storage, hydrogen fuel cells, and Tier 4 final generators using renewable diesel fuel. The Port would use grid power and electrical infrastructure to the extent feasible, given availability of equipment. Other types of alternative power such as battery storage and hydrogen fuel cells are not always feasible to bring to a temporary construction site due to limited areas for staging of such equipment and overall

availability of batteries and hydrogen fuel cells for rent. Mitigation Measure AIR-1 already requires Tier 4 final engines, and existing state regulations require the use of renewable diesel.

The Air District suggests accelerating implementation of zero-emission equipment, vehicles, and supporting infrastructure. Mitigation Measure AIR-1 includes the use of electric, hybrid, and other alternative powered equipment to the extent feasible as outlined in part b. Therefore, the suggested mitigation is already incorporated. The Port has developed the 2020 and Beyond Plan to implement zero-emission equipment and infrastructure for operations at the Port. The Port is not required to do further mitigation for operations, because the operations would have a reduction in emissions and health impacts compared to the No Project projected operation baseline as analyzed for the first year of operation; so the incremental change is negative. Therefore, CEQA does not require mitigation to address operational impacts.

The Air District suggests that the Proposed Project implement a program that incentivizes construction workers to carpool, use EVs, or use public transit to commute to and from the site. This is already included in Mitigation Measure GHG-1.

CARB suggests that the Port consider requiring the use of zero-emission trucks, onsite equipment, and cleanest available locomotives during the construction and operation of the Proposed Project. As discussed, zero-emission equipment for construction would be evaluated for feasibility based on availability as stated in Mitigation Measure AIR-1 part b. Therefore, the suggested mitigation is already included to the extent feasible. Locomotives are not anticipated to be used during construction of the Proposed Project. The Port declines to add suggestions for requirements to Port operations, because Port operations are not significant and would decrease compared to the No Project projected operation baseline scenario. Therefore, no mitigation is required for operational emissions because the incremental change in emissions is below the threshold of significance.

CARB suggests that the Proposed Project use Tier 4 tugs during construction. This is declined, because the Port does not have the authority to require the tug operators operating in San Francisco Bay to provide a Tier 4 tug for use when needed for the construction of the Proposed Project.

Earthjustice suggests that the Port consider requiring the use of zero-emission trucks and equipment. As discussed, zero-emission equipment for construction would be used to the extent available, as stated in mitigation measure Mitigation Measure AIR-1part b. Earthjustice also suggests that there are grants available for off-road equipment. There are various grants available for off-road equipment of different types. Because the construction activity would be done by third-party contractors, the Port cannot apply for these grants on their behalf, and it is unknown if contractors would meet the requirements for these grants, or if they would be awarded and equipment secured prior to the start of the Proposed Project construction.

It is suggested by 350 Bay Area Oakland that the Port procure 100 percent carbon-free and nuclear-free electricity for Port operations and all electricity supplied to tenants or other end-users. The Port declines to implement this mitigation measure because this would not mitigate any significant impacts identified in the Draft EIR; this would mainly influence operational GHG emissions to the extent electricity is used during the Proposed Project construction for dredging and other equipment. The GHG impact when amortized over the life of the Proposed Project is not significant.

B. Fugitive Dust

Fugitive particulate matter (PM) emissions (fugitive dust) would be emitted by various sources during Proposed Project construction. Fugitive dust emissions refer to those air pollutants that enter the atmosphere without first passing through a stack or duct designed to direct or control their flow. During construction of the Proposed Project, fugitive dust would occur from the construction equipment acting on exposed soils or dredged materials. This includes moving concrete, asphalt, and excavated or dredged earthen material, and resuspension of accumulated dust on roads and surfaces. During operation of the Proposed Project, fugitive dust would be generated by the resuspension of accumulated dust on roads and surfaces by cargo handling equipment and trucks into the air, which would be the same with and without the Proposed Project because the same amount of cargo would be handled. Dredged material would be transported on scows to a beneficial reuse site while it is still wet, and would not be expected to generate fugitive dust. Nonhazardous dredged material that is temporarily stored at Berth 10 for some drying before further transport for disposal would still have high moisture content at the time of transport that would inhibit fugitive dust formation. Mitigation Measure AIR-1: Construction Air Quality Mitigation, requires soil piles to be watered at least twice per day, and all haul trucks transporting soil, sand, or other loose material off site to be covered. These measures would minimize the potential for fugitive dust to be generated at the construction site or during truck transport of materials to a landfill.

The Air District CEQA significance thresholds indicate that implementation of standard fugitive dust control measures for construction are adequate to reduce construction emissions of fugitive PM_{10} and $PM_{2.5}$ to a less-than-significant impact. The Air District construction fugitive dust measures have been incorporated into Mitigation Measure AIR-1.

The mass emission—or the total pound or tons projected to be emitted per year or day—significance threshold is often used as a surrogate to determine if a criteria pollutant would likely contribute to an exceedance of an ambient air quality standard. Another means of determining the likelihood of contributing to an exceedance of an ambient air quality standard is to model ambient air concentrations off site, and determine how this modeled concentration compares to the ambient air quality standard and/or an acceptable incremental contribution to the existing ambient air quality. In the 2017 CEQA Guidelines, the Air District suggested that an ambient air concentration of 0.3 micrograms per cubic meter ($\mu g/m^3$) of $PM_{2.5}$ was a reasonable significance threshold to measure and assess local community health risk from $PM_{2.5}$. This threshold is similar to proposed significant impact levels (SILs) being considered by the USEPA in permitting under the Clean Air Act. This analysis was included in the Draft EIR.

The Port modeled ambient air concentrations of primary $PM_{2.5}$ along with conducting a HRA for the Proposed Project construction (refer to Draft EIR, Appendix C). Modeling of $PM_{2.5}$ for concentrations beyond the Proposed Project boundary indicated that ambient air concentrations of $PM_{2.5}$ from the Proposed Project sources during operation could exceed 0.3 $\mu g/m^3$ at locations near the Proposed Project construction areas, including areas in Alameda and Oakland.

Due to the ambient air concentration at the Maximum Exposed Individual Resident (MEIR), the Draft EIR concluded that the Proposed Project would result in a significant impact from $PM_{2.5}$, causing or contributing to an ambient air quality violation because it was above the ambient air quality standard and the Air District threshold, even though the mass emissions total was below the emission significance threshold of 54 pounds.

C. Deferred Mitigation and the use of Performance Standards for Air Quality

The commenters suggest that Mitigation Measures AIR-1 and Mitigation Measure GHG-1 improperly defer mitigation in violation of CEQA; however, this is incorrect.

An EIR can defer the specific details of a mitigation measure when it is impractical or infeasible to include them during the environmental review process. To do so the agency must: (1) commit itself to the mitigation; (2) adopt specific performance standards the mitigation will achieve; and (3) identify the type of potential actions that can feasibly achieve the performance standard. CEQA allows specific mitigation measures to be finally determined at a later date when such mitigation measures are reasonably identified, incorporated as enforceable conditions, and meet a particular performance standard, which are included here. (Refer to Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 418; Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 525.)

The items listed in Mitigation Measure AIR-1 and Mitigation Measure GHG-1 have defined performance standards for specific individual elements of each mitigation measure. Commenters do not identify specific measures they contend are improperly deferred; in fact, all elements of these mitigation measures are feasible, enforceable, and effective, with the exception of Mitigation Measure AIR-1 part a and part b and the first bullet of Mitigation Measure GHG-1, which require Tier 4 construction equipment and/or zero-emission or hybrid vehicles. As discussed in Section 3.3.4, these types of equipment may not be widely commercially available; therefore, these measures are required only to the extent they are determined to be feasible under the framework laid out in the Port's 2020 and Beyond Plan. Therefore, there is no improper deferral of mitigation, nor is there a failure to demonstrate that the mitigation and monitoring program would effectively mitigate the Proposed Project's potentially significant air quality and greenhouse gas impacts.

In addition, this Final EIR these mitigation measures have been refined to further clarify applicable performance standards. In MM-AIR-1, part f was clarified to add the performance standard to include preventing visible airborne dust from leaving the site.

D. Zero-Emissions or Alternative-Fueled Construction Vehicles and Equipment

For information regarding the Port's Commitment to Zero-Emissions Equipment in general, and for post-construction operation, refer to Global Response 3: Zero-Emissions Seaport.

Mitigation measures AIR-1 and GHG-1 do require the Proposed Project to use electric off-road equipment on land and trucks for construction to the extent feasible. However, the availability of such equipment at the time of construction is uncertain; therefore, in an abundance of caution, the EIR concludes that these impacts are significant and unavoidable. Although there is construction equipment that does exist as hybrid, electric, and various alternative fuels, these pieces of equipment are not always readily available for use on a construction project due to limited numbers of equipment that are in the marketplace. For instance, electric trucks of all sorts (which may not be the type of trucks needed for the Proposed Project's construction) in 2023 in California made up only 16 percent of total sales for the year (CARB 2024). In 2022, zero-emissions trucks made up only 7.5 percent of total sales (CARB 2023). California's regulations

require that manufacturers produce only zero-emission vehicle trucks starting in 2036 model year—well after project construction begins. Due to these low annual percentage of zero-emission vehicles sold and considering there are many prior years represented in a typical equipment fleet, there may not be enough zero-emission vehicles available for a particular project. The same is true for construction off-road equipment.

Similarly, according to CARB's EMFAC Fleet Database (https://arb.ca.gov/emfac/fleet-db/2e23768712e3c1834a832e2fad5b4419304ec32d) in 2022 for T6 (medium Heavy Duty) and T7 (heavy, heavy-duty) trucks, there were only 1,730 T6 natural gas fueled trucks and 11,818 T7 natural-gas–fueled trucks in the whole state of California. This represents 0.6 percent of all T6 trucks and 4.7 percent of T7 trucks. Many of the T7 trucks are refuse trucks used for municipal solid waste and recycling. These data support the Port's concern regarding the availability of RNG/CNG trucks for the Proposed Project's construction. For this reason, the Port defined criteria to determine feasibility of use of these trucks based on availability. If these feasibility criteria are met, then these trucks would be required for use for the Proposed Project under Mitigation Measure AIR-1. There are limited data available on the inventory of compressed natural gas (CNG) construction equipment, and it is unclear whether the equipment that may be available is adequate for the necessary tasks. The CNG equipment tends to be for lower horsepower equipment, with a few major equipment manufacturers rolling out larger CNG equipment for construction. CNG vehicles and equipment face infrastructure supply issues because CNG refueling is not always feasible to have on site. If it is determined that it is feasible based on availability of equipment to rent, and adequate refueling infrastructure is accessible for the construction equipment to use, then these trucks would be required for use for the Proposed Project under Mitigation Measure AIR-1.

In addition to the availability of zero-emission vehicles and construction equipment, available associated infrastructure is also needed to charge or refuel zero-emission vehicles and equipment. The Proposed Project is going to be using electrical dredgers, and would include newly built electrical infrastructure as part of the Proposed Project construction. During detailed design of the Proposed Project, electrical infrastructure needed for electric dredging would also consider if there is sufficient capacity to accommodate electrical construction equipment (e.g., bulldozers, loaders). If sufficient capacity is available, the Port would design to accommodate such construction equipment for work at Howard Terminal. In addition, the Port is currently studying the availability of electrical construction equipment and opportunities to encourage electrical equipment use into construction bid pricing selection criteria. The electrical infrastructure for construction equipment and vehicles is not readily available at the Alameda location, and the proposed project does not plan to install this infrastructure, because it would be a one-time use only.

The use of electric dredgers for the widening of the turning basins does not equate to the same functionality for electric dredgers for maintenance dredging projects as the commenter suggests. This is because dredging for the Proposed Project would be different from how maintenance dredging is conducted. The former requires dredging for extended periods of time near the shore and fewer movements of the dredging equipment, which would be primarily concentrated near the shore. However, maintenance dredging requires more frequent movements over a larger area throughout the entire channel. Because maintenance dredgers have to go further out into the shipping channel, they would require the use of longshore power cables that would extend across the channel. This is particularly problematic given that shore power cable would be in the main

shipping channel, disrupting any vessel or harbor craft movements in the area where the maintenance dredging is occurring; this would not be the case for the Proposed Project because the dredging would occur adjacent to the shoreline. Furthermore, and perhaps most importantly, maintenance dredging is an activity that is under the jurisdiction of the USACE. Therefore, the Port is unable to commit to electric maintenance dredging at this time. However, the Port will continue to investigate the feasibility of the use of electric dredgers for maintenance dredging with the USACE. Given the identified issues, the EIR analyzes the operational emissions from the current practice, which uses diesel dredgers for maintenance dredging, to represent the reasonable conditions for these activities at this time.

In addition, using existing shore power outlets to power the electric dredges is not feasible, because the existing shore power outlets were not designed to accommodate the electric demand required by the dredge machine. Furthermore, the existing shore power outlets in the vicinity of the Proposed Project have high use rates for container vessel plug-ins and need to be reserved for container vessels to comply with CARB at-berth regulations.

The Proposed Project would be required to use zero-emission or alternative-fueled vehicles and equipment to the extent feasible, However, use of such equipment cannot be required on an unqualified basis, due to the simple fact that the necessary equipment may not be commercially available, and such an unqualified measure could prevent the Proposed Project from going forward.

G.4.8 Global Response 8: City of Oakland Plans and Policies

This global response addresses comments stating that the Draft EIR did not include several City of Oakland plans and policies, including the General Plan, Equitable Climate Action Plan (ECAP), and West Oakland Specific Plan.

The Proposed Project is in the “General Industry and Transportation” Oakland General Plan land use classification established by the Land Use and Transportation Element of the General Plan (LUTE). The Proposed Project uses are in conformity with the existing Oakland General Plan land use designation for the Seaport. The LUTE includes primary land use objectives that accommodate land use decisions that support existing and future business needs of the city, and plan for the provision of adequate supporting transportation infrastructure. The Proposed Project is intended to support and accommodate the business and transportation needs of the City of Oakland. The Proposed Project is supportive of the policies in the LUTE by maintaining the basic relationship among land use districts and expanding transportation infrastructure at the Seaport in an environmentally sound manner. The Proposed Project would be consistent with the Oakland General Plan and would not require amendments to the Oakland General Plan. Article VII of the Charter of the City of Oakland grants the Board of Port Commissioners the authority to control and manage the Port’s lands in the Airport, Seaport, Commercial Real Estate, and the Oakland Airport Business Park land use designations. Because the Proposed Project is in the Port’s lands identified in the City of Oakland Charter and General Plan, the Board of Port Commissioners have authority to control and manage these lands, and no other plans prepared by the City of Oakland are applicable to the Port’s lands. This includes other general plan policies outside of land use, including the Oakland 2030 Equitable Climate Action Plan.

G.4.9 Global Response 9: Biological Resources and Water Quality

This global response addresses comments expressing concern that the Proposed Project could harm wildlife and water quality in San Francisco Bay, which could result in long-term impacts on the ecosystem and overall health of the Bay.

As described in the Draft EIR impact analysis for Biological Resources (Section 3.4.4) under Impacts BIO-1 through BIO-3, the Proposed Project's temporary impacts to San Francisco Bay wildlife and aquatic habitats would be limited to the construction period and less than significant with the incorporation of mitigation. Construction impacts related to entrainment (incidental removal of organisms from the environment during dredging), water quality degradation from accidental discharges of pollutants and turbidity/suspended sediment (i.e., particles of sediment in the water column), temporary benthic (Bay floor) habitat disturbance, habitat alteration, nighttime lighting, and wildlife movement and migration were found to be less than significant and did not require mitigation measures. Impacts to special-status species and sensitive aquatic habitats (eelgrass beds) from pile driving and release of contaminants contained in sediment during construction were found to be less than significant with the implementation of Mitigation Measures BIO-1A, BIO-1B, BIO-1C, and BIO-2. Measure BIO-1A would require use of silt curtains during in-water construction in areas where sediment contains contaminants with potential to adversely impact water quality, as determined through the pre-construction sediment quality testing and analysis, and as required by Proposed Project permits. Silt curtains are land- or water-based barriers that contain suspended silt or sediment and allow it to settle. Similar to silt fences used on landside construction sites, the fabric of silt curtains prevents silts from moving from the construction area to areas outside of the silt curtain. Use of silt curtains would contain suspended sediment, including sediment that may contain elevated contaminant levels, to the immediate work area where it would resettle to the Bay floor. Mitigation Measure BIO-1B would require educating workers on special-status species that may be present and project-specific protective measures for each species that need to be complied with during construction. Mitigation Measure BIO-1C would require various measures to lessen noise and impacts from pile driving on special-status fish, birds, and marine mammals, including pre-construction surveys for nesting birds and establishing buffers for pile driving activities during the nesting season; preparation and implementation of a hydroacoustic and biological monitoring plan; and use of “soft start” technique (the force of pile driving is started low to allow species to leave the area before it is gradually increased), wood cushion block, and bubble curtain (underwater noise reduction system that uses air to reduce underwater sound waves) if impact pile driving is required. Mitigation Measure BIO-2 would require pre- and post-construction eelgrass surveys, evaluation of impacts resulting from construction, and compensatory mitigation (eelgrass replacement) if needed to achieve no net loss.

As required by the federal Endangered Species Act, USACE, as the federal lead agency, consulted with National Marine Fisheries Service and United States Fish and Wildlife Service regarding the potential effects of the Proposed Project on special-status species and regional wildlife. Both agencies have concurred with the determination that the Proposed Project is not likely to adversely affect species protected under the federal Endangered Species Act that are known to occur or potentially occur in the Proposed Project area. In addition, the Proposed Project would not cause significant and unavoidable impacts with respect to any other biological resources under CEQA.

Similarly, as described in the Draft EIR impact analysis for Hydrology/Water Quality (Section 3.10.4) under Impacts HYD-1 and HYD-5, the Proposed Project's impacts to San Francisco Bay water quality would be temporary during construction, and less than significant with the incorporation of mitigation. Construction impacts on surface water quality related to physical and chemical characteristics, accidental discharges of pollutants, and turbidity/ suspended sediment were found to be less than significant. Surface water quality impacts from release of contaminants in sediment during construction, including those which could conflict with the water quality objectives of the San Francisco Bay Basin Plan, were found to be less than significant with the implementation of Mitigation Measure HYD-1, which requires use of silt curtains during in-water construction in areas where sediment contains chemical contaminants with potential to adversely impact water quality, as determined through the pre-construction sediment quality testing and analysis, and as required by Proposed Project permits.

G.5 RESPONSES TO COMMENTS ON THE DRAFT EIR

Responses to comments are presented in the order presented in Section G.2: public official, agencies, organizations, members of the public, and oral comments. For the public official, agencies, organizations, and members of the public, responses to comments are presented in the order listed in Tables G-1 through G-3. For oral commenters, responses to comments are presented in the order the commenters spoke for each public meeting.

G.5.1 Agencies and Public Official

G.5.1.1 U.S. Congresswoman Barbara Lee, 12th District California (Lee)

Lee-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice. The Port has engaged in extensive public outreach, well beyond the base requirements of CEQA, in an effort to ensure that the Proposed Project is sensitive to surrounding communities. This includes particular attention paid to traffic and air quality concerns. Although the Draft EIR identifies and addresses shorter term traffic and air quality concerns related to construction, the Proposed Project is designed to create efficiencies in operations of the Turning Basins. Such efficiencies are expected to reduce air emissions and promote more efficient use of the Turning Basins and Inner and Outer Harbors.

Lee-2 Response:

Regarding comments pertaining to analysis of operational impacts, including the potential for increased truck traffic, please refer to Global Response 5: Operational Impacts. Please note that a future fleet mix with the Proposed Project includes fewer total vessels with a greater proportion of larger vessels while the future fleet mix without the Proposed Project includes more total vessels with a lower proportion of larger vessels. Therefore, a future with the Project would have less vessel traffic within the harbor, not more. Regarding disclosure of where dredged materials would be placed, as stated in Draft EIR Section 2.5.4, material to be excavated and dredged would be characterized (i.e., sampled and subjected to laboratory analysis) to determine whether it would be suitable for beneficial reuse (for the protection, restoration, or creation of aquatic wetland habitats) or would require disposal at a landfill. For the purposes of the Draft EIR, the

anticipated landfills to accept material from the Proposed Project included the Kettleman Hills Class I permitted landfill at 35251 Old Skyline Road in Kettleman City, California, and the Keller Canyon Class II permitted landfill at 901 Bailey Road in unincorporated Contra Costa County near Pittsburg, California; these landfills were identified as the Class I and Class II landfills nearest to the Proposed Project sites assumed to have sufficient capacity at the time of the Proposed Project's construction. Similarly, the assumed beneficial reuse site is the Montezuma Wetlands Restoration Project at 1485 Collinsville Road, Birds Landing, in Solano County. These landfills and beneficial reuse site were determined to be the most likely locations for the receipt of the Proposed Project's excavated and dredged material based on information available at the time of the Draft EIR preparation.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips in Oakland and Alameda during the Proposed Project's construction. The Proposed Project has been revised in this Final EIR to reflect that material destined for a Class II (nonhazardous) landfill would be transported by barge to the Montezuma Wetlands Restoration Project, where it would be offloaded and put on trucks for transport to the Potrero Hills Class II permitted landfill, which is 17 miles from Montezuma Wetlands, instead of being transported by truck from the Proposed Project sites to the Keller Canyon Landfill. Please refer to Global Response 4: Reducing Local Truck Trips for additional information.

Lee-3 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

Lee-4 Response:

Please refer to Global Response 2: Community Engagement and Environmental for a discussion of West Oakland and environmental justice in CEQA for overburdened communities.

Lee-5 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.1.2 United States Environmental Protection Agency, Region 9 (USEPA)

USEPA-1 Response:

The USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/ Environmental Assessment. Please also refer to Global Response 1: CEQA Process addressing the separate CEQA and NEPA processes.

USEPA-2 Response:

The Draft EIR and associated technical studies evaluated the environmental effects, if any, that the Proposed Project may have on landside port operations and freight throughput operations and

found that the Proposed Project would not materially alter landside operations or freight throughput. Regarding comments pertaining to analysis of potential landside operational changes, please refer to Global Response 5: Operational Impacts. The Draft EIR did analyze the Proposed Project's impacts on air quality associated with future in-water operations and maintenance dredging under Impact AIR-2.

USEPA-3 Response:

The operational challenges included in this comment were those identified in the Goods Movement Plan published in 2016 (MTC 2016). The 2016 plan suggests the larger post-Panamax ships visiting the Port were creating unintended consequences for both portside and landside operations. The Proposed Project of widening the existing turning basins directly addresses a portside operational challenge that would allow the Port to accommodate these larger ships more easily by removing existing restrictions. These larger ships (PPX2, PPX3, and PPX4) are expected to continue to call the Port in greater frequency. In addition, contrary to this commenter's assertion, these larger ships do not offload in 1 day the same amount of cargo that a terminal once handled in 2 to 3 days. These larger ships offload approximately 834 TEUs in 1 day (refer to Table G-15 below that includes a comparison to smaller ships) compared to the number of TEUs processed by a terminal in 2 to 3 days of approximately 2,467 and 2,037 TEUs in 2016 and 2023, respectively. Refer to Tables G-16 and G-17 below.

Table G-15 2023 Average TEU Worked by Smaller and Larger Vessels Per Day

	TEUs Worked	Average TEUs Worked in One Day	Percent Difference
Smaller Vessels (SPX, PX, PPX1)	584,418	726	N/A
Larger Vessels (PPX2, PPX3 and PPX4)	1,481,292	834	+15%

Notes:

TEUs worked were divided by total hours at berth to develop an hourly rate. A day is considered to comprise 16 working hours to reflect 2-day shifts of 8 hours each. Values shown are based on year 2023 data. Hours at berth include all time at berth, and did not subtract time spent connecting to shore power.

Table G-16 2016 Average TEU Worked at a Terminal Per Day

	Total TEUs Worked	TEUs Worked			Average TEUs Worked in 2 to 3 Days
		In One Day	In Two Days	In Three Days	
All Terminals	2,369,573	987	1,973	2,960	2,467

Notes:

TEUs worked were divided by total hours at berth to develop an hourly rate. Values were determined for each of the five active terminals (includes Ports America that is no longer in service) and then averaged across all terminals. A day is considered to comprise 18 working hours to reflect 2-day shifts of 8 hours each. Values shown are based on year 2016 data. Hours at berth include all time at berth, and did not subtract time spent connecting to shore power.

Table G-17 2023 Average TEU Worked at a Terminal Per Day

	Total TEUs Worked	TEUs Worked			Average TEUs Worked in 2 to 3 Days
		In One Day	In Two Days	In Three Days	
All Terminals	2,065,709	815	1,630	2,445	2,037

Notes:

TEUs worked were divided by total hours at berth to develop an hourly rate. Values were determined for each of the four active terminals and then averaged across all terminals. A day is considered to comprise 16 working hours to reflect 2-day shifts of 8 hours each. Values shown are based on year 2023 data. Hours at berth include all time at berth, and did not subtract time spent connecting to shore power.

As discussed in more detail in Global Response 5: Operational Impacts the Proposed Project would not increase cargo throughput, nor would it affect queues outside terminal gates or other operational deficiencies discussed in the comment. The below provides a summary of how terminal operations, truck appointment systems, and other operational changes that have advanced from when the 2016 Goods Movement Plan was published.

- **Marine Terminal Operations and Container Storage.** Terminal operators have transitioned away from storing containers on a chassis (also referred to as wheeled storage) to a stacked container storage system that allows containers to be stacked on top of one another, allowing for more containers to be stored vertically in the same amount of ground space (densification, similar to a high-rise building). In addition, separate and apart from the Proposed Project, the Port is advancing modernization of its terminals to optimize backland space as demonstrated through the Proposed Outer Harbor Terminal Redevelopment, Building Resiliency Now and For the Future Project[3] that includes converting approximately 30 acres from wheeled storage to stacked storage. Stacked container storage provides more flexibility in managing cargo, especially when a large shipment from a vessel is anticipated, as described in Section 2.3.2, Landside, Surge Cargo Management.
- **Marine Terminal Operations and Shifts.** All marine terminals have added night gates that are open when needed based on vessel schedule and availability of labor and equipment. Night gates allow flexibility in managing cargo and make use of off-peak times, which also assists in easing traffic volumes during the day.
- **Marine Terminal Operations and Technology.** Terminal operators use a variety of new technology for efficient operations that include optical character recognition system to identify and track containers; global positioning system and equipment positioning systems; terminal operating systems manage and keep track of the flow of containers through its gate, yard, and berth; eModal to track when a container has completed all payment and clearances and is ready for pick-up; and website portals. Technology is used to coordinate with all industry stakeholders.

[3] Environmental documents for the Proposed Outer Harbor Redevelopment Project, Building Resiliency Now and For the Future available at: https://www.portofoakland.com/business/bids-rfp-center/environmental-stewardship-publications-documents/

- **Freight Intelligence Transportation System (FITS).** The Port partnered with Alameda County Transportation Commission (Alameda CTC; the lead agency) for the implementation of the Freight Intelligence Transportation System (FITS), which completed construction in December 2023.[4] Located in the Seaport, FITS uses radio frequency identification device technology, smart cameras, automated traffic signal systems, changeable message signs, and various other Information Technology improvements to optimize traffic, improve real-time communication flow, and provide increased security. Information is shared with terminal operators, truckers, and the public via the FITS website and the mobile application (app) Oakland Portal that can be downloaded to personal phones.[5] Both the FITS website and mobile app provide FITS static and real-time information regarding current truck wait times and average turn times at terminals; live video feeds from 15 camera locations at key intersections and marine terminal gates to provide traffic and other conditions information; vessel information, including current location and anticipated arrival and departure schedule; current status of rail crossings being open or closed, weather conditions, incidents and performance reporting; and links to other resources. The Port has committed to operate and maintain FITS for 5 years; after which the Port will evaluate continuing its operations. As a requirement of grant funding secured by FITS, the Port is assisting Alameda CTC with the collection of performance metrics. To date, both the FITS website and mobile phone app have received positive feedback from community and industry users.
- **Trucker Appointment Systems.** In 2002, California Assembly Bill (AB) 2650 was passed to regulate marine port terminals to reduce truck queuing and related truck emissions. The establishment of appointment systems for trucks was one option for compliance with AB 2650. With the passage of AB 2650, marine terminal operators either implemented or expanded their existing appointment systems. Today, all international terminal operators require truckers to make an appointment to either pick up or drop off a container within a specific time window (i.e., 2 hours) with a grace period before and after (i.e., 60 minutes). These appointment systems allow for efficient labor planning and help reduce hourly traffic on roadways by managing the number of trucks allowed per hour. In addition, all the international terminals include nighttime appointments if needed. The truck appointment system, including nighttime availability, allow terminal operators to spread out pick-ups and deliveries throughout the day. In addition, the Port, together with the City of Oakland, assisted in updating truck parking restrictions in West Oakland through implementation of the West Oakland Truck Management Plan.
- **Truck Queuing.** A truck queuing study was completed to evaluate the future scenario with and without the widened turning basins. As further described in Global Response 5: Operational Impacts, the analysis results indicate that truck queuing would remain in the Seaport and not extend outside of the Seaport even during peak hours on peak days of the year. A copy of the truck queuing study is included in Appendix I to this Final EIR.

[4] Information about FITS and the GoPort Program available online at: https://www.alamedactc.org/programs-projects/goport-program

[5] The Oakland Port web version that includes a link to download the mobile phone app available online at: https://oaklandportal.portofoakland.com/#/

In sum, the bottlenecks and operational issues cited in the 2016 San Francisco Bay Goods Movement Plan do not consider more recent improvements in landside operations, and are independent of this Proposed Project. The Port has and will experience larger vessel calls, peaks in cargo activity, and queues irrespective of any turning basin improvements, which are designed only to aid safety and operational efficiencies for existing demands.

USEPA-4 Response:

Please refer to Global Response 3: Zero-Emissions Seaport regarding progress of implementing the Port's 2020 and Beyond Plan and environmental initiatives toward advancing the Port's goal of zero-emission operations. The implementing plans for individual terminals are independent of and beyond the scope for this Proposed Project. Please refer to Global Response 1: CEQA Process regarding separating different general Port and terminal improvements from the Proposed Project. To the extent the Port achieves additional progress toward zero emissions in landside and individual terminal operations, that can and will help reduce overall air emissions at the Port.

USEPA-5 Response:

Please refer to Global Response 1: CEQA Process and Global Response 5: Operational Impacts. Regarding the Port's "Master Plan," the Port was referring to the Seaport Planning Study. The Seaport Planning Study provides a framework and lays the foundation for a future vision to support the local, regional, and global market. It outlines strategies and investments necessary to achieve the vision. The Seaport Planning Study was completed in March 2025, which includes the Long-term Traffic and Circulation Study and Truck Parking Study. The principles in the Seaport Planning Study provide planning guidance and vision of the Seaport, and were adopted by the Board on March 27, 2025. Because these plans are independent of and unrelated to the Proposed Project, they are not included in this Final EIR.

USEPA-6 Response:

Consistent with the Air District's Air Quality CEQA Thresholds and Guidelines, the Draft EIR calculated the maximum $PM_{2.5}$ concentration from the Proposed Project's construction on an annual basis. The Air District does not have an established a 24-hour $PM_{2.5}$ concentration threshold of significance. Therefore, a 24-hour $PM_{2.5}$ concentration was not calculated for the Proposed Project or the Proposed Project alternatives.

USEPA-7 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

USEPA-8 Response:

Please refer to response to comment USEPA-1.

G.5.1.3 California Air Resources Board (CARB)

CARB-1 Response:

Comment noted. Please refer to the subsequent responses addressing your detailed comments.

CARB-2 Response:

Comment noted. Please refer to Global Response 3: Zero-Emissions Seaport.

CARB-3 Response:

The comment incorrectly characterizes that the Proposed Project would increase the carrying capacity of vessels calling the Seaport from 6,500 to 19,000 TEU. Although the existing turning basins were designed for a 6,500 TEU container vessel, they can accommodate larger vessels. The Proposed Project would accommodate a vessel 1,310 feet long and 193 feet wide, with an estimated cargo capacity of 19,000 TEU. Vessels with a capacity greater than 6,500 TEU have called the Seaport for more than 10 years (refer to Draft EIR Section 2.3.1, Operations-Waterside, under Vessels that Call the Port, Tables 2.3-1 and 2.3-2). As of 2023, approximately 58 percent of the vessels calling the Seaport had a carrying capacity exceeding 6,800 TEU, and vessels with a carrying capacity of greater than 15,000 TEU are already calling the Seaport. Given that such vessels are already calling the Port and using the existing turning basins, the Proposed Project—which is designed to more safely and efficiently operate the turning basins—is not the stimulus for growth already occurring. Regarding increases in throughput and growth inducement, please refer to Global Response 5: Operational Impacts.

CARB-4 Response:

The comment incorrectly states that the Proposed Project construction would result in 32,280 heavy-duty truck trips through the neighboring West Oakland Community. As shown in Draft EIR Table 2.5-4, 32,280 is the total number of truck round trips for hauling demolished, excavated, and dredged materials from Howard Terminal, Alameda, and the Inner Harbor Waterway. Of the total number of round-trip truck trips, only 2,580 are anticipated to originate from Howard Terminal, and would travel a short distance in Oakland of less than 1 mile to reach I-880, and less than 1.5-mile to reach I-980.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in Oakland and Alameda from the Proposed Project construction truck trips in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information.

CARB-5 Response:

The comment incorrectly states that the Proposed Project would increase the carrying capacity of vessels calling the Seaport from 6,500 to 19,000 TEU; please refer to response to comment CARB-3. Regarding increases in throughput and growth inducement, please refer to Global Response 5: Operational Impacts. Regarding construction of reasonably foreseeable landside facilities, please refer to Global Response 1: CEQA Process. Regarding increased use of cargo handling equipment, refer to Global Response 3: Zero-Emissions Seaport, which outlines the Port's efforts in transitioning to zero emissions Seaport. In addition, air quality at the Seaport has greatly improved, as described in Draft EIR Section 3.3.1 under Port of Oakland Seaport Emissions.

CARB-6 Response:

Please refer to Global Response 5: Operational Impacts.

CARB-7 Response:

The commenter makes several incorrect assumptions regarding vessel call activity and Port operations. As a result, the commenter's calculations do not accurately reflect existing and projected throughput calculations. The number of containers unloaded and loaded compared to the total container capacity of a vessel are two distinctly different things. The data show that the average call utilization—the number of containers unloaded and loaded at the Port—is 25.9 percent of the total vessel capacity (refer to Draft EIR Section 2.3.2, Port Operations, Landside). Here, the comment assumes that all containers on a vessel's entire capacity would be completely unloaded and loaded on each visit to the Port, as compared to the actual call utilization for these vessels. This assumption conflicts with the actual economics of Port operations, and is not supported by the past historical data of the Port operations presented in Table 2.3-2 and Figure 2.3-1 of the Draft EIR. Because the Port is generally the second port of call on the West Coast, vessels that call the Port have already unloaded a greater number of import containers at their first port of call (e.g., Los Angeles/Long Beach or the Northwest Seaport Alliance [includes Ports of Seattle and Tacoma]). Therefore, in comparison to first ports of call, the Port serves a much smaller number of loaded import containers.

Future growth with and without the Proposed Project is accounted for in adjustments to the number and type of vessel calls as opposed to changes in the percentage of containers unloaded or loaded compared to the vessel's total container capacity. The No Project future scenario involves a higher proportion of smaller ships visiting the Port of Oakland, as opposed to the Proposed Project future scenario, which has larger vessels but fewer total vessel calls than the No Project future scenario.

For more discussion of the use of the first year of operation as a baseline rather than the existing baseline refer to Global Response 6: Air Quality Baseline. As stated in this global response to comments, data on existing conditions were available based on the 2020 Seaport Emission Inventory to make a comparison to the Proposed Project operational emissions in 2030, 2040, and 2050 with further details discussed in this global response to comments.

CARB-8 Response:

Please refer to response to comment CARB-7 for a discussion of the commenter's incorrect assumptions regarding growth. Please refer to Global Response 5: Operational Impacts for a discussion of operational impacts and growth inducement. The analysis of air quality impacts in the Draft EIR uses a reliable methodology and analysis to apply the best estimate of vessel types and number of calls under the Proposed Project and No Project scenarios. Once the vessel arrives, similar types of land-based equipment and hours of activity are needed to unload, load, and process cargo through the terminals to their destinations. In addition, the existing facilities can accommodate and have already accommodated the larger vessel classes expected in 2030. Therefore, the Proposed Project is expected to have no incremental increase in landside emissions over the No Project Alternative. This is also true for GHG emissions. Similarly, for possible acute health impacts from TACs and criteria pollutants associated with hot-spots such as primary $PM_{2.5}$ resulting from emissions to the ambient air from Proposed Project sources, the Port has already experienced these peak short-term impacts, because it has demonstrated an ability to handle larger vessels even without the Proposed Project. The severity and frequency of impacts will not change under the Proposed Project scenario. Therefore, because there would be no material change in landside equipment or landside operations, landside operations under the

Proposed Project are not expected to result in any significant environmental impacts or require additional mitigation. For a discussion of other mitigation measures suggested by commenters, refer to Global Response 7: Air Quality Mitigation Measures.

CARB-9 Response:

Please refer to Global Response 5: Operational Impacts for a discussion of why there would not be an increase in emissions for the Proposed Project when using the first operational year baseline as allowed under CEQA, and Global Response 2: Community Engagement and Environmental Justice for a discussion regarding those effects. There would not be an increase in emissions in the future different from what would be anticipated without the Proposed Project. Refer to Global Response 1: CEQA Process, for a discussion on why there is no need for recirculation of the Draft EIR. Please refer to Global Response 7: Air Quality Mitigation Measures for a discussion of mitigation measures suggested by commenters.

CARB-10 Response:

Please refer to Global Response 6: Air Quality Baseline for a discussion of the use of a future baseline for air quality and comparison to existing conditions. Refer to Global Response 5: Operational Impacts for a discussion of operational impacts and growth inducement; please note the Seaport is not currently operating at full capacity because not all marine terminal property is currently activated for moving containers on and off vessels. Indeed, recent annual throughput is down, and less than pre-pandemic throughput totals. The operation of the Proposed Project would not be substantially different in emissions and health impacts compared to the future year estimates and health impacts presented in the WOCAP HRA because growth was assumed, and the 2029 future forecast would be similar to the 2030 forecast used in the first year of operation of the Proposed Project. Therefore, because the growth in Port operations was already included in WOCAP's future scenarios, the Port has found the WOCAP's analysis to be a reasonable and accurate representation of the Seaport emissions, which includes the water and land-based sources. The Port did undertake its own independent analysis of the Proposed Project's contribution to these land-based sources.

CARB-11 Response:

The commenter showed incorrect information in its Table 2 comparing 2022 baseline vessel calls to future with Proposed Project vessel calls in 2030. The values shown for the number of vessel calls with the Proposed Project in 2030 are actually the projected vessel calls in 2030 without the Proposed Project. The total calls for the Proposed Project in 2030 are 1,683 vessel calls (not 1,821 vessel calls shown in Table 2). This illustrates the point that without the Proposed Project, the number of calls would be greater at 1,821 calls (an additional 138 vessel calls). The commenter's baseline numbers for 2022 do not match what the Draft EIR reported for vessel call numbers in Table 2.3-2 of the Draft EIR, which has 817 vessel calls. Table 2.3-2 of the Draft EIR also illustrates the changes in number of vessels calls over a larger time scale, and one that was not as influenced by residual shipping patterns due to the global pandemic. For instance, 2016 had 1,727 vessel calls, which is larger than the number of vessel calls projected in 2030 with the Proposed Project (1,683 vessel calls). These historical data show that you can have a wide range of vessel calls with similar annual throughput. For instance, 2016 had more than double the number of calls (1,727 vessel calls) as 2022 (817 vessel calls), yet the difference in throughput is 2.4 million TEU compared to 2.3 million TEU. Furthermore, 2021 had less than

half the number of vessels calls (848 vessel calls) compared to2016 (1,727 vessel calls), yet the same amount of cargo (2.4 million TEU).

Please refer to Global Response 6: Air Quality Baseline for a discussion of the use of a future baseline and comparison to existing conditions. Refer to Global Response 5: Operational Impacts for a discussion of operational impacts and growth inducement; please note the Seaport is not currently operating at full capacity because not all marine terminal property is currently activated for moving containers on and off vessels. Indeed, current throughput is down, and less than pre-pandemic throughput totals. The operation of the Proposed Project would not be substantially different in emissions and health impacts compared to the future year estimates and health impacts presented in the WOCAP HRA because growth was assumed, and the 2029 future forecast would be similar to the 2030 forecast used in the first year of operation of the Proposed Project. Therefore, because the growth in Port operations was already included in WOCAP's future scenarios, the Port has found the WOCAP's analysis to be a reasonable and accurate representation of the Seaport emissions, which includes the water and land-based sources. The Port did undertake its own independent analysis of the Project's contribution to these land-based sources.

CARB-12 Response:

The information summarized in the comment regarding the Proposed Project's unmitigated impacts is consistent with the Draft EIR; however, it should be noted that the Waterfront Ballpark residences referenced in the comment are planned residences, not existing residences.

CARB-13 Response:

Please refer to Global Response 7: Air Quality Mitigation Measures for a discussion of commenter-suggested mitigation measures and addressing alternative zero-emission vehicles and equipment feasibility. The comment referred to a list of commercially available zero-emission vehicles and equipment; however, this does not reflect actual availability of these vehicles and equipment for the Proposed Project construction. The drayage truck and truck and bus regulation cited in this comment applies to drayage trucks that are used to dray material to and from the Port. Such drayage trucks and regulation pertaining to drayage trucks do not apply to haul trucks used to transport material such as excavated landside material or construction equipment. Therefore, although these specific CARB regulations will result in the reduction of diesel PM and NO_X emissions from trucks in California, they would not apply to the trucks used in this Proposed Project.

The commenter misconstrues the different truck types used for construction material hauling versus a drayage truck used for Port operations. These are different trucks with different purposes and designs. Similarly, not all tugs that operate in the San Francisco Bay Area are Tier 4, and the Port lacks the authority to compel the tug operators to only send Tier 4 tugs during Proposed Project construction. The current Harbor Craft regulation requires tugs to be updated in 2028.

Text has been added to this Final EIR describing the Advanced Clean Fleets regulation, which became effective on October 1, 2023, requiring that targeted fleets phase in the use of zero-emissions vehicle (ZEV) and that manufacturers only manufacture ZEV trucks starting in the 2036 model year. The regulation applies to any state or local government agency that owns, leases, or operates one or more vehicles that has a gross vehicle weight rating greater than 8,500

pounds. In 2024, 50 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs. In 2027, 100 percent of the total number of vehicle purchases for the California fleet in each calendar year must be ZEVs. Limited exemptions and extensions are allowed. State and local government agencies are also subject to Fleet reporting and recordkeeping requirements under the regulation. This regulation only requires that a portion of the fleet gets changed over time, and not all equipment in a fleet will be ZEV.

CARB-14 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice, for a discussion of West Oakland and environmental justice in CEQA for overburdened communities. Please refer to Global Response 8: City of Oakland Plans and Policies, for a discussion of the relevance of City of Oakland Plans and Policies to the Port, including the Environmental Justice Element of the General Plan. None of the identified laws impose requirements under CEQA to include additional analyses of the Proposed Project.

CARB-15 Response:

Please refer to responses to comments CARB-3 through CARB-14.

CARB-16 Response:

Comment noted.

CARB-17 Response:

Comment noted. CARB will be notified regarding the availability of this Final EIR.

G.5.1.4 California Department of Fish and Wildlife (CDFW)

CDFW-1 Response:

Comment noted.

CDFW-2 Response:

Comment noted.

CDFW-3 Response:

Comment noted.

CDFW-4 Response:

Based on the preliminary design, it is anticipated that the Proposed Project may require the in-water installation of approximately 55 batter piles and 535 linear feet of bulkhead (approximately 268 steel sheet piles); however, this information would be refined during the pre-construction engineering and design phase. The Port will assess during the pre-construction and design phase what permits are necessary and will consult with CDFW as necessary regarding any potential species issues related to in-water pile driving activities.

CDFW-5 Response:

Mitigation Measure BIO-1A as written in the Draft EIR states that silt curtains shall be used when dredging within 250 meters of eelgrass beds.

Mitigation Measure BIO-2 has been revised in this Final EIR to state that the pre-construction eelgrass survey will be conducted in consultation with both CDFW and the National Marine Fisheries Service.

Language has been added to this Final EIR to describe CDFW's permitting role, via a Scientific Collection Permit, in the event eelgrass mitigation is necessary (refer to the Biological Resources Regulatory Setting, Section 3.4.2, under State, California Fish and Game Code).

These revisions do not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and do not require recirculation of the Draft EIR.

CDFW-6 Response:

The least tern was included as a state-endangered species (refer to Draft EIR Table 3.4-1 and text on page 3.4-9).

CDFW-7 Response:

Comment noted; although this is not a legal requirement under CEQA, the Port will report any special-status species and natural communities detected during Proposed Project surveys to the California Natural Diversity Database. Please note that no special-status species or sensitive natural communities were detected during the general biological resources reconnaissance survey conducted for the Proposed Project.

CDFW-8 Response:

Comment noted. The Port will pay applicable fees on filing of the Notice of Determination.

CDFW-9 Response:

The letter attachment does not address the Proposed Project or Draft EIR; therefore, no further response is provided.

G.5.1.5 California Department of Justice, Attorney General's Office (AGO)

AGO-1 Response:

Comment noted. Please refer to response to comment AGO-14 regarding mitigation measures to protect the West Oakland community.

AGO-2 Response:

Comment noted. The Port considered comments received in response to the Notice of Preparation during the development of the Draft EIR. The USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/Environmental Assessment. Please also refer to Global Response 1: CEQA Process addressing the separate CEQA and NEPA processes.

AGO-3 Response:

Comment noted. Please refer to responses to your subsequent detailed comments.

AGO-4 Response:

The Proposed Project would not increase the Seaport's container throughput. Please refer to Global Response 5: Operational Impacts.

AGO-5 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, and Global Response 1: CEQA Process.

AGO-6 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, and Global Response 1: CEQA Process. In addition, to the extent the comment cites text from the Draft EIR referencing specific projects, these are either 1) infrastructure projects (cranes at the Oakland International Container Terminal) that have already been constructed and therefore would not combine with the Proposed Project's construction impacts to result in cumulative impacts; or 2) are operations-related systems that likewise would not combine with the Proposed Project's construction impacts to result in cumulative impacts.

AGO-7 Response:

The comment cites references to landside improvements made in the USACE's Revised Draft Integrated Feasibility Report/Environmental Assessment that were not included in the Draft EIR. These include several terminal improvement projects that the USACE assumed for its economic modeling would occur under the without project (No Project) scenario over the Seaport's long-term planning horizon (i.e., independent of widening the turning basins). These include: 1) projects for which specific development proposals do not currently exist and therefore are not reasonably likely to overlap with construction of the Proposed Project; or 2) projects for which environmental review has already been completed. Specifically:

- The referenced potential expansion of the TraPac Terminal would include re-occupying previously established marine terminal space. Examples of such space include adjacent portions of the Outer Harbor Terminal that were formerly occupied by Ports America or the approximate 30-acre area of the proposed Outer Harbor Terminal Redevelopment, Building Resiliency Now and For the Future Project,[6] which are currently used for ancillary maritime services such as truck and container storage, compared to being used as part of an active marine terminal. The Outer Harbor Terminal Redevelopment Project includes replacing existing asphalt to allow for stacking of containers, installing plug-ins for refrigerated containers (reefers), upgrading substations, installing electric chargers, and installing a battery energy storage system to support the Port's transition to a zero-emissions Seaport and increase the resilience of the Port's electrical infrastructure. These potential spaces for TraPac terminal expansion include opportunities to advance operations such as through converting wheeled container storage to stacked container

[6] Environmental documents for the proposed Outer Harbor Redevelopment Project, Building Resiliency Now and For the Future Project available online at: https://www.portofoakland.com/business/bids-rfp-center/environmental-stewardship-publications-documents/

storage to fully realize or optimize storage density. Such improvements are not considered an expansion of backland capacity itself.

- Occupancy of the unused area at Berths 33 and 34 and the Roundhouse Site was included in the 2002 Oakland Army Base Area Redevelopment Plan EIR, which was considered in the Draft EIR cumulative analysis.
- Use of Berths 20 through 24 would reoccupy previously established marine terminal space, and would not represent an expansion of backland capacity itself. Furthermore, environmental review for dry bulk was completed for the planned Eagle Rock Aggregates project, which was considered in the Draft EIR cumulative analysis.
- Use of undeveloped off-dock space at the former Oakland Army Base includes the CenterPoint Project, and was included in the 2002 Oakland Army Base Area Redevelopment Plan EIR, which was considered in the Draft EIR cumulative analysis.

In addition, the CoolPort project and installation of cranes at the Oakland International Container Terminal) have already been constructed, and therefore would not combine with the Proposed Project's construction impacts to result in cumulative impacts.

Lastly, the comment references the projected increase in TEU throughput at the Seaport; this is already factored in Seaport growth projections. The Port and the City of Oakland previously evaluated the implementation of the Oakland Army Base redevelopment plan that included increased Port-wide cargo throughput to 4.05 million TEU through the 2002 Oakland Army Base Area Redevelopment Plan EIR, which was considered in the Draft EIR cumulative analysis.

Please also refer to Global Response 3: Zero-Emissions Seaport and Global Response 1: CEQA Process.

AGO-8 Response:

Please refer to Global Response 3: Zero-Emissions Seaport regarding the status of other Seaport projects included in the presentation at the Draft EIR public meetings and the consideration of these projects in the EIR cumulative analysis.

AGO-9 Response:

Please refer to responses to comments AGO-4 through AGO-8. The landside projects alluded to in the comment are independent of—and therefore not a part of—the Proposed Project and are being pursued independently. Specifically, those other projects are not a reasonably foreseeable consequence of this Proposed Project. Where applicable, the cumulative effects of such independent projects are addressed in this Final EIR.

AGO-10 Response:

Please refer to responses to comments AGO-4 through AGO-8. All reasonably foreseeable Port projects at the Seaport that may overlap with the construction of the Proposed Project have been included in this Final EIR (Global Response 3: Zero-Emissions Seaport).

AGO-11 Response:

Although available container capacity can be a factor in a Port's throughput (cargo moved through the port), container capacity is not equivalent to throughput. The Draft EIR assumed that the economic variables that directly influence economic growth and subsequent demand for Port

services (i.e., container throughput) remained constant with or without the Proposed Project. Please also refer to Global Response 5: Operational Impacts.

AGO-12 Response:

Please refer to Global Response 1: CEQA Process.

AGO-13 Response:

Comment noted.

AGO-14 Response:

Refer to Global Response 2: Community Engagement and Environmental Justice. The West Oakland Community Action Plan (WOCAP) has the overarching goal to protect and improve community health by eliminating disparities in exposure to local air pollution. The WOCAP developed specific targets for DPM, $PM_{2.5}$, and cancer risk thresholds as described in Section 3.3.2. The Port examined the WOCAP-recommended strategies and distinct actions suggested for Port-related hazardous air pollutant emissions. Table 3.3-7 of the Draft EIR outlined the Proposed Project mitigation and features that align with WOCAP strategies. Although the Proposed Project is inconsistent with WOCAP under a conservative reading of the WOCAP that emissions and health impact increases would be inconsistent with WOCAP's goals, the Proposed Project does not conflict with the Port-identified WOCAP strategies. The Draft EIR concluded that construction emissions would be significant and unavoidable, and therefore may be inconsistent with DPM, $PM_{2.5}$, and cancer risk targets outlined in the WOCAP. However, for long-term operations, the Proposed Project is anticipated to result in a net reduction in emissions compared to the beginning operational year emissions without the Proposed Project, which is allowed under CEQA. CEQA requires mitigation only for those impacts that are significant compared to the incremental change from baseline. CEQA does not require mitigation for existing conditions, nor does it require mitigation for the impacts of other, distinct projects. Because there is not an incremental increase of Proposed Project operations compared to the beginning of operation baseline comparison, no additional mitigation is required beyond the construction mitigation provided in MM-AQ-1. For more discussion of selection of baseline, refer to Global Response 6: Air Quality Baseline. Independent of the Proposed Project, the Port has committed to continuing efforts and investments toward a zero-emission Port; refer to Global Response 3: Zero-Emissions Seaport.

AGO-15 Response:

Need Into on Civil Rights enforcement action with USEPA and how this does or does not relate to this project.

Aligned with the "Informal Resolution Agreement" reference by the commenter to reduce air quality emissions, the Port is committed to advancing zero-emission operations at the Seaport. Refer to Global Response 3: Zero-Emissions Seaport for a summary of the Port's implementation of the 2020 and Beyond Plan, and additional details on the Port's commitment to a zero-emissions operations. The Port has recently updated its website to make information more readily available to the public regarding its plans and programs to incorporate air quality measures. Additionally, the Port engages the Community Electrification Committee monthly to provide ongoing communications and comprehensive updates on Port-wide zero-emissions projects.

The Draft EIR appropriately focuses on environmental impacts and associated mitigation of the Proposed Project. The other Port activities addressed by the comment are beyond the scope of the Proposed Project.

AGO-16 Response:

The commenter is correct in stating that the Port has existing shore power outlets and that the Port would upgrade its electrical infrastructure to be able to additionally support the use of electric dredgers for the widening of the turning basins. However, the use of electric dredgers for the widening of the turning basins does not equate to the same functionality for electric dredgers for maintenance dredging projects as the commenter suggests. Refer to Global Response 7: Air Quality Mitigation Measures for a further discussion of why electrical dredgers for maintenance equipment is not feasible.

AGO-17 Response:

As suggested by the commenter, the Port has added handheld equipment, forklifts, loaders, and other forms of yard and construction equipment to Mitigation Measure AIR-1. Refer also to Global Response 7: Air Quality Mitigation Measures, which includes this additional clarification and a discussion of mitigation measures suggested by commenters that were or were not incorporated and discusses the feasibility of zero emission equipment and vehicles.

AGO-18 Response:

As noted in the comment, in March 2023, the Port amended its Environmental Ordinance to provide a variety of pollution controls, as well as reporting and electrification requirements. The Port notes the comments regarding future revisions to its Environmental Ordinance. The Environmental Ordinance is not part of the scope of the Proposed Project, and action is not required related to the Environmental Ordinance for this Proposed Project under CEQA. Refer to Global Response 7: Air Quality Mitigation Measures, for a discussion of mitigation measures suggested by commenters. The Port declines to add suggestions for requirements to Port operations because Port operations are not significant, and would decrease compared to the No Project projected operation baseline scenario. Therefore, no mitigation is required for operational emissions, because the incremental change in emissions is below the threshold of significance.

G.5.1.6 California Department of Toxic Substances Control (DTSC)

DTSC-1 Response:

Comment noted.

DTSC-2 Response:

Comment noted. The Proposed Project does not involve any property in Area 1 and Area 3 identified in the land use covenant. The Proposed Project does include property in Area 2 in the land use covenant, but does not propose residential developments, which are prohibited in Area 2 by the land use covenant. Sampling and analysis of soil, sediment, and groundwater would be conducted during the Proposed Project pre-construction engineering and design phase. The sampling and analysis plan and the sampling results will be provided to DTSC for review and approval. The applicability of this land use covenant to the Proposed Project, including necessary coordination with and approvals from DTSC, has been added in this Final EIR under the Hazards and Hazardous Materials Regulatory Setting, Section 3.9.2. This revision does not constitute

significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

DTSC-3 Response:

The Proposed Project does not involve the construction of a water well. Groundwater extraction would only be conducted if required during construction for dewatering purposes. RWQCB construction dewatering permitting requirements were noted in the Draft EIR Hydrology/Water Quality Regulatory Setting (Section 3.10.2) under State, Dewatering Activities. The applicability of these land use restrictions to the Proposed Project has been added in this Final EIR under the Hazards and Hazardous Materials Regulatory Setting, Section 3.9.2. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

If the Proposed Project is approved by the Port, and the Port seeks to acquire the necessary property for the Project as outlined in the Draft EIR, the Port would plan to purchase sufficient land from the Alameda Site to construct the Proposed Project from the current private property owners, including the approximately 6 acres of land that would be removed to widen the IHTB and adjacent land that would be used for construction. If successfully purchased from the private property owners, the subject land would be owned by the Port prior to initiation of any activities requiring permitting. Thereafter, the Port's Proposed Project activities on that site would be subject to intergovernmental immunity and not the City of Alameda's general plan, zoning, design review, or permitting jurisdiction. Refer to Lawler v. City of Redding, 7 Cal.App.4th 778 (1992) (where a city owns property in another city's territory, that property is subject to the owner's general plan, zoning, and building codes rather than those of the jurisdiction where the property is located). Refer also to Government Code sections 53090 and 53091, creating limited exceptions to intergovernmental immunity for certain public agencies other than cities and counties. Therefore, the Proposed Project would not require an excavation permit pursuant to the City of Alameda's "Marsh Crust Ordinance." As required by the land use covenant, DTSC would be notified within 30 days of the change in property ownership. The Port would comply with existing land use covenants for the Alameda Site under DTSC regulatory jurisdiction that addresses excavation in the Marsh Crust. The Port would submit a request to DTSC for excavation with the Marsh Crust and would comply with the applicable requirements of the City of Alameda's excavation ordinance (City of Alameda Ordinance No. 2824); however, the Port would not obtain an excavation permit from the City of Alameda. Consistent with the ordinance, handling, transport, and disposal of all material excavated at the Alameda Site, including any identified hazardous material, would be performed in compliance with applicable laws, including implementation of site controls for management of stockpiled soils and measures to prevent precipitation run-on and run-off. In addition, a health and safety plan would be prepared to protect workers and the general public during construction.

DTSC-4 Response:

The Operation and Maintenance Plan (O&M Plan) for the Alameda Site referenced in the comment and related Remedial Action Completion Report, which informed the site controls selected for the O&M Plan, were approved by DTSC on January 9, 2024. The Port understands the O&M Plan includes long-term engineering and institutional controls to minimize exposure of site users to chemicals that may be present in soil, soil gas, or groundwater at the site.

The engineering controls include 1) a cap (either hardscape or appropriate softscape) to prevent contact with native fill soils; and 2) maintaining a minimum 3-foot unimpeded air space beneath the wharf and the northern warehouse deck. The O&M Plan requires annual inspection of the engineering controls as well as following a significant earthquake, significant tide event, or other event or work activity with potential to breach or damage cover elements or the air space beneath the wharf deck. The Proposed Project would remove a portion of the existing warehouses and concrete deck and excavate the underlying soils. The finished ground surfaces would be hardscape consisting of the bulkhead and adjacent pavement; no native soils would be left exposed. The O&M Plan states that "the air space below the wharf deck is open to the atmosphere along the northern and western edges of the wharf deck, above the waterline"; however, the Port would like to clarify that in the northwestern portion of the Alameda Site previously removed for the -50-Foot Project, a solid bulkhead was installed in that location (i.e., the air space below the wharf deck is not open to the atmosphere). The Proposed Project would install a similar solid bulkhead along the modified shoreline, but would not change the air space under the remaining portion of the wharf. The Port would coordinate with DTSC during the pre-construction engineering and design phase regarding project design and long-term maintenance requirements. The applicability of the O&M Plan to the Proposed Project has been added in this Final EIR under the Hazards and Hazardous Materials Regulatory Setting, Section 3.9.2. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

As institutional controls, the O&M Plan prohibits residential and sensitive uses on the site. The Proposed Project does not propose any new occupied structures or residential/sensitive uses of the site. The O&M Plan also prohibits extraction/use of shallow groundwater, other than for site construction dewatering and emergencies, and requires compliance with the City of Alameda Marsh Crust Ordinance. As noted under response to comment DTSC-3, groundwater extraction would only be conducted if required during construction for dewatering purposes, and RWQCB construction dewatering permitting requirements were noted in the Draft EIR. Compliance with the City of Alameda Marsh Crust Ordinance is addressed in response to comment DTSC-3.

For the above-stated reasons, the Proposed Project would not conflict with the site controls outlined in the O&M Plan.

DTSC-5 Response:

Please refer to response to comment DTSC-3.

DTSC-6 Response:

Comment noted. A complete list of the site owners of the Alameda Site has been added in this Final EIR. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

DTSC-7 Response:

The current landside area of the Alameda Site is approximately 19 acres. The 22 acres cited by DTSC appears to reflect the size of the Alameda Site prior to the removal of a portion of the Alameda Site for the Oakland Harbor -50-Foot Navigation Project completed in 2009; this area is now part of the Inner Harbor waterway and federal navigation channel. Therefore, the revision suggested by DTSC was not made in this Final EIR.

DTSC-8 Response:

Comment noted. Please refer to responses to comments DTSC-2 through DTSC-7. The comment does not identify any significant impacts or necessary mitigation not already evaluated or required under the Draft EIR.

G.5.1.7 California Department of Transportation (Caltrans)

Caltrans-1 Response:

Comment noted.

Caltrans-2 Response:

Comment noted. Currently, the Port participates in the Oakland Alameda Adaptation Committee (OAAC),[7] a coalition of shoreline communities and stakeholders working to accelerate sea level rise adaptation, protect and restore water quality, habitat and recreation, and promote community resilience. Caltrans is also a participant in the OAAC. If adaptation measures are proposed along the Oakland Harbor shoreline through the OAAC or another initiative, the Port will contact the Caltrans Transportation Planning and Local Assistance Branch regarding any opportunities to collaborate.

Caltrans-3 Response:

Comment noted. The Port would require the construction contractor to comply with Caltrans' requirements for oversized or excessive load vehicles, including obtaining a permit, as applicable.

Caltrans-4 Response:

Comment noted. Currently, the Proposed Project is not anticipated to include impacts to Caltrans facilities; no physical alteration of any roadway, bicycle, or pedestrian facility is proposed. Encroachment on Caltrans facilities would be further evaluated during the project pre-construction and design phase, and if modifications to Caltrans facilities are required, they will be made Americans with Disabilities Act-compliant. Mitigation Measure TRA-1 identified in the Draft EIR would require preparation of a Traffic Control Plan, which would include measures to maintain bicycle and pedestrian access.

Caltrans-5 Response:

Comment noted. Mitigation has been proposed, as feasible, to lessen the extent of the Proposed Project's construction-related community health impacts that were determined to be potentially significant. Please refer to Global Response 2: Community Engagement and Environmental Justice and Global Response 7: Air Quality Mitigation Measures.

G.5.1.8 Bay Area Air District

Air District-1 Response:

The Port considered comments received in response to the Notice of Preparation during the development of the Draft EIR. The USACE's Integrated Feasibility Report/Environmental

[7] Oakland Alameda Adaptation Committee website available online at: https://www.alamedaca.gov/Departments/Planning-Building-and-Transportation/Sustainability-and-Resilience/Oakland-Alameda-Adaptation-Committee.

Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/Environmental Assessment.

The Port acknowledges that the Air District's comment letter to the USACE does recommend preparation of a joint NEPA/CEQA document, which pertains to CEQA. Regarding this specific comment, please refer to Global Response 1: CEQA Process.

Air District-2 Response:

Comment noted. Refer to Global Response 2: Community Engagement and Environmental Justice regarding how the Draft EIR discussed the West Oakland Community. The commenter is correct that the construction phases would result in a cumulatively considerable net increase of $PM_{2.5}$ concentrations and cancer risk above CEQA significance thresholds, which was addressed in the Draft EIR Section 4.4. Although there is an increase in emissions temporarily during construction, the operational impacts are expected to result in decreased emissions of NO_X and $PM_{2.5}$ and cancer risks. Also refer to Global Response 5: Operational Impacts.

Air District-3 Response:

The commenter incorrectly states that the Proposed Project alters the projected growth in TEU annual throughput for the Port. For further discussion, please refer to Global Response 5: Operational Impacts.

As discussed in Section 3.3.4 of the Draft EIR under impact AIR-1, the overall impact on plans and policies is significant and unavoidable. The 2017 Bay Area Clean Air Plan control measures that are applicable to the Proposed Project are incorporated in the Proposed Project construction and in the Port's 2020 and Beyond Plan, and therefore include all applicable control measures identified in the 2017 Bay Area Clean Air Plan. However, the Proposed Project is inconsistent with the overall goal of the 2017 Bay Area Clean Air Plan primary goals in protecting the health at the local scale, because the construction health impacts and $PM_{2.5}$ concentrations would exceed the Air District's thresholds of significance. For more information on the Port's 2020 and Beyond Plan, refer to Global Response 3: Zero-Emissions Seaport.

Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of the WOCAP. The Air District is incorrect in its assertion that the projected growth in TEU annual throughput is directly in conflict with the WOCAP, because the Air District incorporated the Port's growth in its analysis of the WOCAP future scenarios using the same economic study as used in the Draft EIR for the Port.

Air District-4 Response:

Comment noted. Refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of West Oakland.

Air District-5 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of environmental justice and racial impacts under CEQA and public engagement.

Air District-6 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of environmental justice and racial impacts under CEQA.

Air District-7 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of environmental justice and racial impacts under CEQA.

Air District-8 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of environmental justice and racial impacts under CEQA. As noted in that response, CEQA does not generally require an analysis addressing environmental justice impacts of a project. The Draft EIR analysis of air quality impacts fully complies with the requirements of CEQA and goes beyond those requirements by providing information and analysis consistent with the recommendations outlined by the Air District CEQA Guidelines Chapter 2. Therefore, inclusion of the census tract data suggested by the comment is not required under CEQA, nor would inclusion of these data change the findings of the impact analysis presented in the Draft EIR.

Air District-9 Response:

Comment noted. Please refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of the WOCAP and how it was addressed in the Draft EIR. Regarding the Proposed Project's consistency with WOCAP, please also refer to response to comment Air District-3.

Air District-10 Response:

The Port has conducted extensive public engagement, as detailed under Global Response 2: Community Engagement and Environmental Justice, and will continue to be an engaged member of the WOCAP steering committee. Thorough analysis was performed of the Proposed Project's potential impacts on West Oakland (refer to Global Response 2: Community Engagement and Environmental Justice). As acknowledged in the comment, Draft EIR Mitigation Measure AIR-1, to reduce construction-phase air quality impacts, includes measures consistent with the WOCAP. Mitigation Measure AIR-1 has been amended in this Final EIR in response to public comments, as described under Global Response 7: Air Quality Mitigation Measures. No air quality mitigation measures are proposed for the operational phase because the Proposed Project would not meaningfully alter the nature or extent of landside operations; therefore, operation of the Proposed Project is not expected to result in any measurable incremental increase in impacts to air quality. Furthermore, operational emissions in future years are anticipated to decrease under the Proposed Project, as described in the EIR under Impact AIR-2. Regarding entering a Community Benefits Agreement in consultation with WOCAP, the Port elects to continue its work as a member of the WOCAP steering committee and the Community Electrification Committee as well as other collaborative efforts in support of WOCAP goals.

This includes the Port's commitment to zero-emissions equipment (please refer to Global Response 3: Zero-Emissions Seaport). During the consideration of adoption of the EIR, a MMRP would also be considered for adoption (CEQA Guidelines Section 15097). The Port would participate in presenting the adopted MMRP to the WOCAP Steering Committee as part of its continued community engagement.

Air District-11 Response:

Comment noted. Refer to response to comment Air District-3. Although there are inconsistencies with the 2017 Community Action Plan and WOCAP, those inconsistencies have been identified and addressed. Where impacts are significant and unavoidable, those have been identified as well.

Air District-12 Response:

Please refer to the response provided to comment Air District-10.

Air District-13 Response:

These requests regarding the transparency of progress made pursuant to the Seaport Air Quality Plan and Near-Term Action Plan are not specific to the Proposed Project; however, in consideration of comments received on the Draft EIR, the Port has provided information regarding its zero-emissions progress under Global Response 3: Zero-Emissions Seaport. Additional information on the Port's progress toward reducing Seaport emissions can be found online at https://www.portofoakland.com/environment/air-quality/.

Air District-14 Response:

Comment noted. Please refer to Global Response 6: Air Quality Baseline for a discussion on the EIR's proper use of a future operational baseline and a comparison of the emissions to existing conditions.

Air District-15 Response:

Please refer to Global Response 6: Air Quality Baseline discussing the baseline for the Draft EIR's analysis of air quality impacts.

Air District-16 Response:

Please refer to Global Response 5: Operational Impacts regarding additional analyses conducted on operations with the Proposed Project versus No Project. As explained in those responses, the Proposed Project is expected to have only negligible increases in truck traffic and truck queuing, with truck queues being accommodated in Seaport roadways and not extending to local roads during normal operations. Because truck queuing would not extend into local roadways, including West Oakland under normal operations, the Proposed Project would not conflict with the West Oakland Truck Management Plan. Information on the Port and City of Oakland's progress toward meeting the objectives of the West Oakland Truck Management Plan is available online at https://www.oaklandca.gov/topics/tmp-progress.

Air District-17 Response:

Please refer to Global Response 6: Air Quality Baseline discussing the baseline for the Draft EIR's analysis of air quality impacts.

Air District-18 Response:

Please refer to Global Response 5: Operational Impacts.

Air District-19 Response:

The commenter is correct in noting that the Proposed Project construction is above the Air District's CEQA significance thresholds for criteria pollutants and cancer risk. The construction emissions have been updated in this Final EIR due to revisions regarding Proposed Project assumptions, and in response to comments received, the amount of material that would travel by barge versus trucks in Oakland and Alameda. With these changes, the estimated health impacts at the MEIR decreased. In addition, due to the expiration of previous agreements on the land uses at Howard Terminal, no residential receptors are now anticipated to occur at Howard Terminal. The $PM_{2.5}$ concentration decreases when restricted to receptors outside of the Proposed Project work and staging areas. This results in a significant reduction in the cancer risk from construction, but remains significant compared to the Air District's CEQA significant thresholds. However, the Proposed Project during operation would result in a decrease in criteria air pollutants and a reduction in health impacts, including cancer risk (Refer to Attachment A of Appendix B, Air Quality and Greenhouse Gas Analysis). For a discussion of feasible mitigation measures for the Proposed Project, refer to Global Response 7: Air Quality Mitigation Measures.

Air District-20 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a discussion of mitigation measures proposed by commenters for air quality and GHG impacts.

Air District-21 Response:

The Draft EIR Section 3.3.2 discusses regulation 6 Rule 6. The Proposed Project would comply with this and all applicable federal, state, and local regulations. Furthermore, under Section 3.3.4, the Draft EIR states that the Proposed Project would comply with the Air District's trackout regulation and control of fugitive dust.

Air District-22 Response:

The Proposed Project would comply with all federal, state, and local regulations. Currently, it is not envisioned that the Proposed Project would require any air permits from the Air District. The Port will confirm that permits are not required or that a proper permit has been secured for any equipment and storage piles used for the Proposed Project. Regarding use of a crane at Berth 10, the crane would be mounted on a barge and would be the same crane used during electric dredging. Because Berth 10 does not have the ability to plug in the crane, the crane would use its diesel engine. The crane is permitted under state programs rather than local Air District permit requirements. With the Proposed Project revised in this Final EIR to include barging the majority of anticipated Class II nonhazardous waste from the landside excavation activities at Howard Terminal and the Alameda Site, Class II (nonhazardous) dredged material from the Inner Harbor may also be barged to Montezuma rather than barged to Berth 10 for rehandling followed by transport via truck to a Class II landfill. Berth 10 is only used to dry out material prior to it being trucked and is similar to other temporary construction piles.

Air District-23 Response:

Please refer to response to comment Air District-1.

G.5.1.9 City of Alameda (Ala)

Ala-1 Response:

Comment noted. This comment and many of the comments in the City of Alameda's transmittal letter are largely repeated in more detail in Exhibit A to the comment letter. For that reason, the Port's responses to the City of Alameda's transmittal letter largely direct the reader to the detailed responses to comments in Exhibit A to the transmittal letter.

Ala-2 Response:

The comment incorrectly states that over half of the Proposed Project's work is in the City of Alameda. When considering the whole of the Proposed Project (including widening of the OHTB), most of the construction would occur in Oakland. The Proposed Project's location, including the location of work areas for individual project components in both the City of Alameda and the City of Oakland, is described in Draft EIR Section 2.5.1.

The Integrated Feasibility Report/Environmental Assessment is a separate document developed and completed by the USACE—the NEPA lead agency. The City of Alameda's role as a NEPA participating agency is beyond the scope of this Response to Comments and the Port's compliance with CEQA. Port responses to comments included in this document address comments received regarding the Draft EIR.

As for the City of Alameda's role as a CEQA responsible agency, refer to responses to comment Ala-33 and Ala-45. As further explained in those responses, the Port is not aware of any discretionary approvals that would be required for the Proposed Project from the City of Alameda. If no discretionary City of Alameda approvals are required for the Proposed Project, the City of Alameda is not a "responsible agency" under CEQA (CEQA Guidelines Section 15381). Should the Proposed Project require a discretionary permit (e.g., a building permit that is discretionary), the extent to which the Proposed Project would require approval from the City of Alameda would be limited to activities outside the land acquired by the Port to construct the Proposed Project. If any discretionary City of Alameda approval were required for the Proposed Project, the City of Alameda's "responsible agency" authority to approve or disapprove would extend only to that part of the project the City of Alameda would be called on to carry out or approve (CEQA Guidelines Sections 15040 – 15042).

Ala-3 Response:

Please refer to responses to comments Ala-33, Ala-45, Ala-46, and Ala-48 addressing the City of Alameda's jurisdiction over the Project.

The USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/ Environmental Assessment. Please also refer to Global Response 1: CEQA Process addressing the separate CEQA and NEPA processes.

Ala-4 Response:

The comment is incorrect regarding issuance of building permits, because the City of Oakland issues building permits with respect to properties it owns, even within the territory of the City of Alameda. Alameda does not have regulatory authority over the Proposed Project. Whether or not Alameda elects to amend its plans to reflect changed conditions with the Proposed Project, such amendments would not be necessary for the Proposed Project.

Nonetheless, the Port has reviewed the Bayport/Alameda Landing Project Master Plan and the associated Development Plan as part of environmental review of the Project. These are the product of a coordinated effort between private developers and Alameda to reuse and redevelop relevant areas. The comment does not identify any environmental purposes of the plans. Based on our review, the objectives are largely economic in nature, but also include objectives to reduce automobile and energy consumption with public transit, alternative transportation paths in the area, and implementing a transportation demand management program to reduce transportation effects; providing aesthetic enhancements; providing parks in the area; and promoting energy efficient development. That is, the objectives largely relate to development of the area.

The Proposed Project would remove land from the plans. Although the area is designated as mixed-use and waterfront promenade in the Master Plan, the existing conditions are that the area contains private warehouse buildings, and the waterside areas are leased for berthing fuel barges and tugs. (Refer to Draft EIR, p. 2-8.)

The Proposed Project would not cause any adverse environmental effects compared to existing conditions related to the specific objectives of the Master Plan and associated Development Plan addressing environmental concerns. Potential effects related to aesthetics, air quality, energy, recreation, and transportation are evaluated in the respective chapters of the Draft EIR, and the comment does not identify any inadequacy with respect to those analyses.

Please also refer to responses to comments Ala-33, Ala-45, Ala-46, and Ala-48 addressing the City of Alameda's jurisdiction over the Project.

Ala-5 Response:

Please refer to response to comments Ala-2, Ala-3, Ala-4, Ala-33, and Ala-37 addressing the City of Alameda's jurisdiction over the Proposed Project and potential supplemental environmental review requirements.

Ala-6 Response:

The comment presents an overview of various detailed subcategories of impacts for which the City of Alameda asserts inadequacies. Please refer to responses that follow for the subsequent detailed comments.

Ala-7 Response:

Please refer to responses to comments Ala-130 through Ala-134, where responses have been prepared for the City of Alameda's more detailed comments on transportation-related impacts, including truck trips and potential for impacts to pedestrian and bicycle safety.

Ala-8 Response:

The Port investigated options to reduce the number of truck trips needed during the Proposed Project's construction; please refer to response to comment Ala-136 for additional details. Please refer to response to comment Ala-135 addressing potential impacts to related to roadway degradation from the Proposed Project's construction truck trips.

Ala-9 Response:

Please refer to response to comment Ala-135.

Ala-10 Response:

The comment incorrectly states that pile driving, excavation, dredging and demolition activities would occur for 24 hours a day, 7 days a week for 2 years. Only dredging would be performed 24 hours a day, 7 days a week, and for the Alameda Site the estimated total duration of the dredging operations is approximately 3 months. Significant and unavoidable noise impacts would only occur intermittently over this 3-month period during nighttime dredging. All other construction activities would occur Monday through Friday between the hours of 7 a.m. and 7 p.m.; noise impacts in Alameda during daytime construction activities would be less than significant with proposed mitigation. The estimated total Proposed Project construction duration stated in the Draft EIR is 2 years and 4 months (Section 2.5.2, page 2-28) and for the Alameda Site the estimated construction duration is 20 months.

Please refer to responses to comments Ala-110 through Ala-123 for detailed responses to the City of Alameda's comments on noise impacts and mitigation.

Ala-11 Response:

The comment is correct in stating that the Proposed Project's air quality impacts would be significant and unavoidable. The Proposed Project has implemented Mitigation Measure AQ-1 and Mitigation Measure GHG-1 to reduce air pollutant and GHG impacts. For information regarding environmental justice, refer to Global Response 2: Community Engagement and Environmental Justice. For a discussion of additional mitigation measures proposed by commenters, refer to Global Response 7: Air Quality Mitigation Measures. Additionally, refer to responses to comments Ala-97 through Ala-109 and Ala-124 through Ala-129 for detailed responses to the City of Alameda's comments on air quality and GHG emission impacts and mitigation.

Ala-12 Response:

Please refer responses to comments Ala-95 and Ala-96 for detailed responses to the City of Alameda's comments regarding cumulative impacts with respect to other Alameda development.

Ala-13 Response:

As described in the Draft EIR impact analysis for Aesthetics (Section 3.2.4) under Impacts AES-1 through AES-3, the expanded OHTB and IHTB would appear visually similar to existing conditions, and would result in minimal visual change to the landscape following construction. Although portions of Howard Terminal and the two existing warehouse buildings and underlying wharf on the Alameda Site would be removed for the IHTB expansion, the new bulkhead sections along the waterfront on both sides of the IHTB would be of a size, scale, mass, and color similar to the existing adjacent bulkhead along the Alameda shoreline. The Proposed

Project would not introduce new structures to the landscape that would interfere with public views and scenic vistas, damage scenic resources, or degrade visual character. In addition, the Proposed Project would not create substantial new sources of light and glare (Impact AES-4).

Widening the IHTB would involve use of cranes, bulldozers, and excavators for demolition; use of cranes, excavators, and drill rigs for the installation of bulkheads; dredging via a barge-mounted crane with clamshell bucket; and use of scows to transport dredged material. Although construction equipment would be visible throughout the duration of construction, the Seaport and other maritime facilities along the Oakland and Alameda shorelines already sustain considerable maritime industrial activity, which includes the use of tugboats, barges, large vessels, cranes, and trucks. Because maintenance dredging of the Inner Harbor Channel is conducted annually, the presence of a barge-mounted dredge and scow trips would be visually consistent with existing activities that occur. As further described in the Draft EIR under Impact AES-1, during construction, views of construction activities and materials would be localized to the immediate area of the Proposed Project sites, and would appear as an extension of the existing surrounding maritime industrial activities. The truck routes that would be used during construction were shown in Draft EIR Figures 3.14-3 through 3.14-5. These routes are based on truck routes designated by the cities of Oakland and Alameda, and therefore the presence of truck traffic on these routes is part of the visual setting existing conditions. Following construction, there would be no visual changes along transportation routes because the Proposed Project would not result in increased traffic or congestion (refer to Global Response 5: Operational Impacts)

For the above-stated reasons, the preparation of visual simulations illustrating the Proposed Project during and following construction is not warranted.

Ala-14 Response:

Please refer to responses to comments Ala-73 through Ala-79.

Ala-15 Response:

The Draft EIR addresses the potentially significant impacts related to seismic stability of the shoreline from widening the IHTB and ongoing annual dredging under Impact GEO-1. Additional geologic hazards are addressed under Draft EIR Impacts GEO-2 through GEO-4. As part of the feasibility analysis and assessment of seismic and related geologic hazard impacts, the USACE and Port evaluated geotechnical and structural conditions and performed an engineering analysis to determine overall engineering feasibility, and to inform the preliminary designs of the Proposed Project (including proposed sheet piles and bulkheads). This included review of subsurface information obtained from existing geologic mapping and soils data, previous geotechnical studies (including those performed for the -50-Foot Oakland Harbor Navigation Project and the Oakland Waterfront Ballpark District at Howard Terminal), and as-built plans for existing facilities as summarized in the USACE's Integrated Feasibility Report and Environmental Assessment for the Oakland Harbor Turning Basins Widening, Appendix B2: Geotechnical Engineering and Appendix B3: Structural Engineering. In addition, Appendix B3: Structural Engineering, identifies several design standards and references considered in the analysis. Based on that information, as well as the somewhat limited scope of the Proposed Project and observed performance of existing shoreline protections and bulkheads, the USACE and Port determined that—notwithstanding the soil characteristics along the federal navigation channel—the area is expected to accommodate the Proposed Project without resulting in any significant geologic hazards (seismic risks to structures or people or related landslide, lateral

spreading, subsidence, liquefaction, or collapse). For example, in its May 2024 Integrated Feasibility Report and Environmental Assessment (Section 6.3, Geology, Soils, and Seismicity;), the USACE concluded that:

> "[T]he action alternatives would not introduce elements that would increase potential risks related to rupture of a known earthquake fault; seismic shaking; or seismic-related ground failure, including liquefaction; or landsides. Any new bulkhead or sheet pile shoreline structures that would be installed as part of the action alternatives would comply with applicable seismic standards. Similarly, the action alternatives would not involve activities that would cause geologic units or soils to become unstable, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, or collapse; this excludes minor erosion of the turning basins' side slopes from sloughing that may occur after the areas are dredged. Because the action alternatives would have no effect on seismicity or geologic resources, they would not contribute to cumulative impacts to these resources."

Moreover, as is required and assumed for pre-construction and final design-level plans, the USACE and Port must perform a site-specific, design-level geotechnical investigation to confirm the findings of the USACE's Feasibility Report Geotechnical Engineering Appendix (B2) and Structural Engineering Appendix (B3) and the Port's Draft EIR all remain accurate, and to set final design parameters for the bulkheads and shoreline protection (e.g., slopes and material). The USACE's Feasibility Report, Geotechnical and Structural Appendices, and the Port's Draft EIR—along with observed historical performance of shoreline protection and bulkheads at the project sites—encompass standard, accepted, and proven engineering practices that are known to avoid significant adverse impacts related to seismic and other geologic hazards for this sort of shoreline infrastructure.

Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, the following mitigation measure is incorporated in response to public comments, and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity:

MM GEO-1: Site-Specific Geotechnical and Structural Investigation

The Port shall perform a site-specific geotechnical investigation to verify soil characteristics and inform pre-construction engineering and final design of the new bulkheads and shoreline protection along the federal navigation channel and turning basins. The investigation shall include the drilling of soil borings (e.g., cone penetrating testing) to characterize specific soil properties and provide engineers with information necessary to confirm compliance with all applicable building codes and standards, as well as to develop site-specific design features and construction measures to minimize risk to structures and people due to seismic shaking, and ensure that the constructed facilities maintain slope reliability and do not result in adverse effects related to ground failure, landslide, lateral spreading, subsidence, liquefaction, or collapse. A registered geotechnical or structural engineer must review the site-specific geotechnical and structural investigation and require compliance with all design and construction measures in the investigation for the grading, foundation, structural, infrastructure, and other relevant construction elements. The investigation must ensure that shoreline stability and structural integrity are maintained or improved. Specific design

features and construction measures recommended by the Project engineer and approved by the Port as necessary to achieve that performance standard shall include, at a minimum:

- Ensure that bulkhead and sheet pile shoreline structures comply with applicable USACE seismic standards and building codes at the time of project implementation. Seismic design standards include, but are not limited to, the following:
  - USACE, 2016, Earthquake Design and Evaluation for Civil Works Projects, ER 1110-2-1806, Regulation No. 1110-2-1806, May
  - Urban Levee Design Criteria (ULDC, 2012) (also addressed in draft 2022 USACE Engineer Manual for Evaluation, Design, and Construction of Levees;
- Ensure that bulkhead and sheet pile shoreline structures are designed to withstand ground accelerations expected from known active faults;
- Institute site preparations, subsurface soil improvements, and final design parameters for walls, foundations, utilities, and other surrounding improvements, as applicable;
- Apply alternative site-specific measures to reduce the risk of liquefaction, including treatment or removal of subsurface soil or installation of deep foundations, soil cover, dynamic compaction, or edge containment structures (berms, sea walls, retaining structures, compacted soil zones); and/or
- Impose site grading requirements for soil moisture content and fill material, utility trench backfill, grade construction, or trenching and excavation.

Performing the geotechnical investigation at the pre-construction and design phase is appropriate because final design could change in response to environmental review. Furthermore, the State Building Code (adopted and incorporated by the Port of Oakland) requires geologic and earthquake engineering reports for construction, which must include a geologic investigation, evaluation of known active and potentially active faults, ground motion parameters, evaluation of slope stability at or near the site, and the liquefaction and settlement potential of the earth materials in foundations. Furthermore, the project design would be reviewed by the San Francisco Bay Conservation and Development Commission through their Engineering Criteria Review Board, which would include review and approval of appropriate geotechnical and structural evaluations of the existing sediments, historic fill, upland soils, and proposed construction features. This is required as a condition of the Letter of Agreement for Consistency Determination No. C23023.003.00, issued for the project by the Commission pursuant to the Commission's authority in administering the Coastal Zone Management Act. Considering compliance with the State Building Code and related provisions of state law, the rigorous investigation process required under the engineering standard of care, and regulatory agency technical reviews, implementation of Mitigation Measure GEO-1 further supports that the risk of seismic hazards and related geologic hazards would remain less than significant. The addition of Mitigation Measure GEO-1 does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

As concluded based on geotechnical analyses, the Proposed Project is not anticipated to exacerbate seismic stability, and there are features of the Proposed Project and mitigation measures incorporated to address these possible impacts. Please also refer to responses to comments Ala-42, Ala-56, and Ala-66.

Ala-16 Response:

Please refer to responses to comments Ala-15, Ala-42, and Ala-56 through Ala-67.

In addition, as noted in response to comment Ala-3, the USACE's Integrated Feasibility Report/ Environmental Assessment is a separate document completed by the USACE under NEPA, and therefore beyond the scope of the Port's CEQA compliance for the Proposed Project. Nonetheless, the Integrated Feasibility Report/Environmental Assessment generally supports the conclusions in the Draft EIR.

Ala-17 Response:

Regarding the determination of impacts and mitigation measures for seismic stability, please refer to the responses to comments Ala-15, Ala-42, and Ala-66 through Ala-72. Regarding the determination of impacts and mitigation measures for sea level rise, refer to responses to comments Ala-80 through Ala-92.

Ala-18 Response:

Please refer to responses to comments Ala-15 and Ala-66 through Ala-72, where responses have been prepared for the City of Alameda's more detailed comments on geotechnical mitigation measures. Specifically, this Final EIR adds Mitigation Measure GEO-1: Site-Specific Geotechnical and Structural Investigation at the request of the City of Alameda.

Ala-19 Response:

Please refer to response to comment Ala-137.

Ala-20 Response:

Please refer to response to comment Ala-138.

Ala-21 Response:

Please refer to responses to comments Ala-139 through Ala-145.

Ala-22 Response:

Please refer to response to comment Ala-135.

Ala-23 Response:

Please refer to response to comment Ala-117.

Ala-24 Response:

Please refer to response to comment Ala-121.

Ala-25 Response:

Please refer to response to comment Ala-117.

Ala-26 Response:

Please refer to response to comment Ala-120.

Ala-27 Response:

Please refer to responses to comments Ala-54 and Ala-55.

Ala-28 Response:

Comment noted. The Port has met with the City of Alameda on the following dates to discuss the Proposed Project and the City of Alameda's concerns. The March 6, 2025, meeting was a quarterly meeting with the Port and City of Alameda in which the Proposed Project was discussed.

- 12/1/2023
- 9/24/2024
- 10/3/2024
- 2/7/2025
- 2/14/2025
- 3/6/2025
- 3/25/2025
- 5/19/2025

Ala-29 Response:

Comment noted. Mr. Tai has been added to the email distribution lists for CEQA notices pertaining to the Proposed Project and notices pertaining to the Board of Port Commissioners meetings.

Ala-30 Response:

Comment noted. Responses are provided to all City of Alameda comments in this Response to Comments appendix of this Final EIR, consistent with the Port's obligations as lead agency for the Proposed Project under CEQA.

Ala-31 Response:

In this Response to Comments appendix of this Final EIR, the Port has considered and responded to the City of Alameda's comments on the Draft EIR. Where noted in this Response to Comments appendix, minor revisions have been made to this Final EIR. New information incorporated in this Final EIR, including the Response to Comments, does not meet the CEQA Guidelines Section 15088.5 criteria requiring recirculation of the Draft EIR. Please refer to Global Response 1: CEQA Process. Please also refer to response to comment Ala-28 which identifies dates the Port has met with the City of Alameda regarding the Proposed Project.

Ala-32 Response:

The comment incorrectly states that over half of the Proposed Project's work is in the City of Alameda. When considering the whole of the Proposed Project (including widening of the OHTB) the majority of construction would occur in Oakland. The Proposed Project's location, including the location of work areas for individual project components in both the City of Alameda and the City of Oakland, is described in Draft EIR Section 2.5.1.

The comment is also incorrect that the Proposed Project requires "significant involvement and permitting" from the City of Alameda, and no authority cited in the comment supports this. If the Proposed Project is approved and the Port seeks to acquire the necessary property for the Proposed Project, the property on the island of Alameda should it become the property of the Port of Oakland would then be subject to the regulatory authority of the Port. The Port, as a part of the City of Oakland, is not subject to regulation on land it owns even where that land is

physically located on the island of Alameda. In addition, the Port would not proceed with any demolition or construction activities prior to the Port acquiring the property. Please refer to response to comment Ala-33. Importantly, all of the potentially significant physical effects of the Project have been addressed in the Draft and Final EIR.

Ala-33 Response:

The Integrated Feasibility Report/Environmental Assessment is a separate document developed by the USACE to satisfy its independent legal obligations under NEPA, a federal statute. The Port has no authority to determine whether the City of Alameda is a participating agency under NEPA or to otherwise include the City of Alameda in the prior NEPA process (administered and completed by USACE). Port responses to comments included in this document are in response to comments received regarding the Draft EIR under CEQA.

As for the City of Alameda's role as a CEQA responsible agency, the Port is not aware of any discretionary approvals that would be required for the Proposed Project from the City of Alameda. If the Proposed Project is approved by the Port, and the Port seeks to acquire the necessary property for the Project as outlined in the Draft EIR, the Port would plan to purchase from the current private property owners, sufficient land from the Alameda Site to construct the Proposed Project, including the approximately 6 acres of land that would be removed to widen the IHTB and adjacent land that would be used for construction. If successfully purchased from the private property owners, the subject land would be owned by the Port prior to initiation of any activities requiring permitting. Thereafter, the Port's Proposed Project activities on that site would be subject to intergovernmental immunity and not the City of Alameda's general plan, zoning, design review, or permitting jurisdiction. Refer to Lawler v. City of Redding, 7 Cal.App.4th 778 (1992) (where a city owns property in another city's territory, that property is subject to the owner's general plan, zoning and building codes rather than those of the jurisdiction where the property is located). In addition, refer to Government Code sections 53090 and 53091, creating limited exceptions to intergovernmental immunity for certain public agencies other than cities and counties.

Therefore, the City of Alameda's claim that it must amend the Bayport/Alameda Landing Master Plan and/or the Alameda Landing Waterfront Development Plan—which outline potential future land uses that may or may not ever come to fruition—is unfounded. To the extent that the Port requires building permits for activities on land owned by the Port, it would not be subject to those plans. The City of Alameda may choose to amend maps and other descriptive documents to reflect conditions with the Proposed Project at some point in the future. Whether or not those are discretionary actions, they are not required for the Proposed Project.

Furthermore, the Port has met all notice, public outreach, and agency consultation requirements under CEQA. The Port hosted numerous public engagement efforts that went well above and beyond all statutory requirements for public notice, input, and engagement. Please refer to Global Response 2: Community Engagement and Environmental Justice for additional details. Again, all potentially significant physical effects of the Proposed Project have been addressed in the Draft and Final EIRs.

Ala-34 Response:

Although not a comment on any inaccuracy or inadequacy in the Draft EIR, the City of Alameda's comments regarding the IHTB widening footprint proposed in the USACE's Draft

Integrated Feasibility Report/Environmental Assessment were considered in determining the IHTB widening footprint presented in the Draft EIR. As noted in the footnote to Draft EIR Table 5.4-1, Inner Harbor Variation 3: Centered was the recommended footprint for the IHTB widening in the USACE's Draft Integrated Feasibility Report/Environmental Assessment published in December 2021. In response to public comments received on the USACE's Draft Integrated Feasibility Report/Environmental Assessment, including those from the City of Alameda, the recommended footprint for the IHTB was changed to Inner Harbor Variation 1: Shifted East. This Inner Harbor Variation 1: Shifted East, which is the proposed footprint for the IHTB widening in the USACE's Revised Draft and Final versions of its Integrated Feasibility Report/Environmental Assessment dated April 2023 and January 2024, respectively, and reflected in the Draft EIR. The referenced public comments include a letter from the City of Alameda to the USACE, dated February 14, 2022, in which the City of Alameda requested the proposed footprint for widening the IHTB be shifted slightly to the northeast to minimize impacts to Bay Ship & Yacht Co. and to reduce potential operational impacts to Alameda-based maritime businesses, which the USACE and Port accommodated.

Furthermore, the comment addresses the description of the Proposed Project in the EA, and does not identify any inaccuracy or inadequacy in the Draft EIR with respect to the description of impacted land in Alameda.

Ala-35 Response:

Regulatory requirements cited are understood as pertaining to the USACE's Integrated Feasibility Report/Environmental Assessment and do not include comments pertaining to the adequacy of the Draft EIR. Please also refer to response to comment Ala-3.

Ala-36 Response:

The Port had no authority over the USACE's Integrated Feasibility Report/Environmental Assessment. This comment does not raise any issue with respect to the Draft EIR. Please also refer to response to comment Ala-3.

Ala-37 Response:

As discussed in responses to comments Ala-32 and Ala-33, the Port is not aware of any discretionary approvals that would be required for the Proposed Project from the City of Alameda. If no discretionary City of Alameda approvals are required for the Proposed Project, the City of Alameda would not have a "responsible agency" role under CEQA (CEQA Guidelines Section 15381). In addition, all environmental impacts of the Proposed Project, including impacts in the City of Alameda, have been analyzed in the Draft EIR, as explained in response to the City of Alameda's other comments. Therefore, even if a discretionary permit were ultimately sought from the City of Alameda, no supplemental review would be required for those elements of the Proposed Project in the City of Alameda.

Ala-38 Response:

Following construction of the Proposed Project, the widened turning basins would be part of the federal navigation channel and maintained by the USACE. Maintenance dredging of a federal navigational waterway is outside the scope of a local agency's land use authority. Similar to how the City of Alameda had no jurisdiction over the USACE's ongoing maintenance dredging following the widening of the IHTB for the -50-Foot Oakland Harbor Navigation Improvement

Project, the City of Alameda would have no jurisdiction over the USACE's maintenance dredging following widening of the IHTB as part of the Proposed Project.

Ala-39 Response:

Please refer to responses to comments Ala-32 through Ala-38. No revisions to the EIR were required in response to these comments.

Regarding the request to revise the USACE's Integrated Feasibility Report/Environmental Assessment, the Port has no authority over the content of the Integrated Feasibility Report/ Environmental Assessment. Please refer to response to comment Ala-3.

Ala-40 Response:

As discussed in responses to comments Ala-32 and Ala-33, the Port is not aware of any discretionary approvals that would be required for the Proposed Project from the City of Alameda. If no discretionary City of Alameda approvals are required for the Proposed Project, the City of Alameda would not have a "responsible agency" role under CEQA (CEQA Guidelines Section 15381).

Ala-41 Response:

Regarding the City of Alameda's anticipated discretionary permit issuances and approvals, refer to response to comments Ala-32, Ala-33 and Ala-37.

In response to the assertion that the Draft EIR overlooks applicable City of Alameda planning documents, all physical environmental impacts of the Proposed Project, including impacts in the City of Alameda, have been analyzed in the Draft EIR as explained in responses to the City of Alameda's other more detailed comments (below). Where appropriate and relevant, City of Alameda planning documents are considered and described. As explained in response to comment Ala-33, once acquired and retained by the Port per intergovernmental immunity, the Proposed Project would not be subject to City of Alameda planning documents. It is, therefore, not anticipated that the City of Alameda would need to issue discretionary approval nor amend existing planning documents. Refer to response to comments Ala-45 through Ala-48, which respond to this issue in further detail and address the applicability and consistency of the Proposed Project with the City of Alameda planning document. Because the EIR addresses all physical changes in the environment contemplated for the Proposed Project, no subsequent or supplemental environmental review under CEQA would be warranted simply due to further approvals needed by responsible or trustee agencies. (Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.)

Ala-42 Response:

The Draft EIR discloses existing conditions of the Proposed Project, including those of the Alameda shoreline, and analyzes the Proposed Project's potential to exacerbate site-specific conditions, including seismic hazards and sea level rise in Sections 3.7, Geology/Soils and 3.9, Hydrology/Water Quality, respectively.

The Draft EIR Geology/Soils Environmental Setting (Section 3.7.1) describes the geologic and soil layers and potential geological hazards in the project area. The Draft EIR determined that impacts resulting from construction and operation would be less than significant and therefore no further mitigation is required. The Draft EIR impact analysis indicates under Impacts GEO-1

regarding seismic failure, GEO-3 regarding instability, and GEO-4 regarding expansive soil that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards, and ensure that the constructed facilities maintain seismic and slope reliability. The geotechnical investigation would include soil borings (including cone penetrating testing) to characterize soil properties and to provide engineers with information necessary to determine design features and construction measures. Recommended measures would minimize risk to structures and people due to seismic shaking and seismic-related ground failure, including liquefaction; landslide, lateral spreading, subsidence, liquefaction, or collapse; and expansive soils. The Proposed Project would comply with all seismic standards, requirements, and conditions contained in engineering design and construction-related codes, which would ensure structural integrity of built features and safe construction and therefore would not result in increased risk of seismic or other geologic hazards from the constructed widened turning basins. Furthermore, the project design would be reviewed by the San Francisco Bay Conservation and Development Commission through their Engineering Criteria Review Board, which would include review and approval of appropriate geotechnical and structural evaluations of the existing sediments, historic fill, upland soils, and proposed construction features. This is required as a condition of the Letter of Agreement for Consistency Determination No. C23023.003.00, issued for the project by the Commission pursuant to the Commission's authority in administering the Coastal Zone Management Act.

Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, Mitigation Measure GEO-1 has been incorporated in this Final EIR as a response to public comments and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity (refer to response to comment Ala-15).

Additionally, the Draft EIR Hydrology/Water Quality Environmental Setting (Section 3.9.1) describes the Proposed Project hydrologic setting, including potential for sea level rise–induced flooding. The Draft EIR Hydrology/Water Quality impact analysis (Section 3.9.4) under Impact HYD-4 regarding flood hazard, tsunami, or seiche zones, and inundation concluded that the Proposed Project is unlikely to result in hydrodynamic changes that would substantially change inundation during sea level rise, and noted that the Proposed Project does not entail any landside improvements that are likely to contribute to potential pollutant release from future sea level rise. The hydrodynamic analysis was supported by numerical modeling that was included in Appendix E of the Draft EIR. Impact HYD-4 also stated that there may be minor, permanent alterations to upland drainage patterns at Alameda Site associated with upland excavation and reconfiguration of the facility shoreline (e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters), but these are not anticipated to affect flood hazard.

Ala-43 Response:

Please refer to responses to comments Ala-33, Ala-37, and Ala-41. Environmental impacts of the Proposed Project, including impacts in the City of Alameda, have been analyzed in the Draft EIR, as explained in response to comments provided herein. The Proposed Project is not anticipated to require discretionary approval from the City of Alameda. Even in the case of such approval, no supplemental review would be required unless specific criteria are met under Public

Resources Code section 21166 or Guidelines section 15162. Facts known before or at the time an EIR is certified are not a basis for requiring subsequent environmental review.

Ala-44 Response:

Please refer to responses to comments Ala-40 through Ala-43. No revisions to the EIR were required.

Regarding the request to revise the USACE's Integrated Feasibility Report/Environmental Assessment, the Port does not have authority to revise the Integrated Feasibility Report/ Environmental Assessment. Please refer to response to comment Ala-3.

Ala-45 Response:

Please refer to responses to comments Ala-32 and Ala-33. To the extent that the Port requires building permits for activities on land owned by the Port, it is not subject to City of Alameda jurisdiction. To the extent the Draft EIR indicates that the Port would need a building permit from the City of Alameda, this Final EIR includes text revisions to clarify that the only potential City of Alameda permits necessary for the Proposed Project would be for activities outside the land acquired by the Port to construct the Proposed Project. However, such building permits are generally ministerial and not subject to CEQA (CEQA Guidelines, § 15369.) The Proposed Project may include additional landside temporary construction staging activities in the City of Alameda on land the Port would not own. Accordingly, the Port would seek any necessary permits for these activities from the City of Alameda, but is not currently aware of any need for such permits. If any discretionary City of Alameda approval was required for the Proposed Project, the City of Alameda's "responsible agency" authority to approve or disapprove would extend only to that part of the Proposed Project the City of Alameda would be called on to carry out or approve (CEQA Guidelines Sections 15040 – 15042).

Ala-46 Response:

Please refer to response to comments Ala-32, Ala-33, and Ala-41. Where appropriate and relevant, City of Alameda planning documents are considered and described in the Draft EIR. As explained in response to comment Ala-33, once sufficient land from the Alameda Site to construct the Proposed Project is acquired and retained by the Port, per intergovernmental immunity, the Proposed Project would not be subject to the City of Alameda's jurisdiction, including its general plan, zoning, design review, and permitting jurisdiction. Please refer to responses to comments Ala-48 through Ala-52 which address specific planning documents, approvals, and permits identified by the City of Alameda's comments in further detail.

Ala-47 Response:

Whether or not the City of Alameda needs to or chooses to amend its local plans in response to the Proposed Project, such amendments would not be required for the Proposed Project because it is not subject to the City of Alameda's land use authority. Also, the Draft EIR is not a "Master EIR" as the term is used in CEQA Guidelines section 15179.

Please refer to response to comments Ala-32, Ala-33, Ala-41, and Ala-46.

Ala-48 Response:

The Proposed Project would not necessitate the amendment of the Bayport/Alameda Landing Waterfront Master Plan or the Bayport/Alameda Landing Development Plan (Plans), but rather

would make those Plans inapplicable to lands acquired and retained by the Port (please refer to responses to comments Ala-33, Ala-41, and Ala-46). For these reasons, no amendments to the Master Plan and Development Plan would be necessary for the Proposed Project. Furthermore, the EIR analyzes physical impacts anticipated to result from the Proposed Project (including its conversion of land to water in Alameda) on the *surrounding areas* that would remain subject to the Master Plan and Development Plan. Alameda's long-term development goals, and the Proposed Project's compatibility or incompatibility with those goals, do not constitute physical impacts on the environment.

Even under the notion that the Master Plan has regulatory application, the Proposed Project would not be inconsistent. There are no provisions in the Master Plan mandating that all development and activities it contemplates be completely built out. Specifically, the Master Plan permits but does not require preservation of the warehouses. It permits "maritime commercial uses (as further defined below) in existing warehouses," "repair and/or replacement of the existing warehouses in the event of casualty," "replacement in kind of all or any portion of the existing 364,000 square feet of warehouses, consisting of replacement within the same footprint with buildings of substantially similar exterior design as the existing warehouses, with no increase in square footage and no new or substantially more severe significant environmental impacts than the existing warehouses." To the contrary, the Master Plan as amended expressly contemplates "in the event the reuse of the existing buildings and wharf in the Maritime Commercial Sub-Area is discontinued and the Maritime Commercial Sub-Area is redeveloped with new construction," all Master Plan provisions applicable to Sub-Area 1 would apply to such new construction. (Master Plan Amendment, pages 50-d to 50-e.) The Proposed Project does not propose redevelopment of the existing warehouses with new buildings, and warehouse use would continue on the site for the portions of the warehouses that remain. As described in Draft EIR Section 2.5.1, the Proposed Project would require demolition of two bays (out of an existing four bays) in the northern building and three bays (out of an existing six bays) in the southern building. Five bays would remain for warehouse use.

Land uses on the portion of the Alameda Site that is not acquired by the Port for the Proposed Project (i.e., the land occupied by remaining warehouse structures) would continue to be subject to the Master Plan and Development Plan. As noted in the City of Alameda's 2017 Addendum to the 2006 Alameda Landing Supplemental EIR prepared for the Master Plan Amendment for the Alameda Landing Waterfront, those land uses include, but are not limited to, marine transportation and ship assist services; maintenance, repair, and construction of water vessels and/or their components; ship chandleries; maritime and other primarily commercial supply; as well as general waterfront and water-oriented uses. The City of Alameda already determined, in adopting the 2017 Addendum, that these uses would be compatible with proposed future residential development in light of Master Plan provisions requiring that a buffer be developed between the residential and warehouse uses, and that "Existing Use Disclosures" be provided "to all future residents of the residential area that the existing environment includes adjacent and nearby maritime manufacturing industries, the Port of Oakland, and heavy industrial uses which may operate 24 hours a day and generate noise, light and odors typical of such uses, including near outdoor spaces that may impact or disturb sleep and the enjoyment of outdoor spaces." The Proposed Project does not propose any changes to these provisions, and therefore does not conflict with plan provisions adopted to mitigate or avoid environmental effects.

The City of Alameda's 2017 Addendum concludes, with respect to land use planning issues:

> ". . . the proposed [Master Plan Amendment Project, which substituted warehouse reuse for proposed office uses] would not introduce land uses that would be substantially incompatible with existing uses, other previously approved development of the 2007 Master Plan, or various proposed uses within the Project site; incorporating the Land Use Buffer and Existing Use Disclosure measures as requirements through the Master Plan Development Plan process avoids potential adverse effects related to the proximity of new residential and non-residential uses. No mitigation measures are required."

The Project does not propose any construction, development, or operation that would alter this conclusion.

Additionally, if the City of Alameda amends the Alameda Landing Master Plan, such amendment would not be an approval necessary for the Proposed Project. Because the Proposed Project would not be caused by or dependent on such an amendment, its effects would not be within the scope of environmental review of such an amendment.

Ala-49 Response:

As explained in responses to comments Ala-33 and Ala-48, the Proposed Project would not be subject to the City of Alameda's jurisdiction, including Design Review, and amendment of the Bayport/Alameda Landing Waterfront Master Plan would not be required for the Proposed Project.

Ala-50 Response:

Please refer to response to comment Ala-33. As explained in that response, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the Proposed Project would not require a Marsh Crust excavation permit pursuant to the City of Alameda's "Marsh Crust Ordinance." The Port would comply with existing land use covenants for the Alameda Site under the regulatory jurisdiction of the California Department of Toxic Substances Control; these covenants are in place due to historical contamination and address excavation in the Marsh Crust. Based on comments received on the Draft EIR, a discussion a Marsh Crust has been added to Section 3.9, Hazards and Hazardous Materials, of this Final EIR.

Ala-51 Response:

Please refer to response to comments Ala-33 and Ala-38. As explained in those responses, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction, and the City of Alameda had no jurisdiction over the USACE's ongoing maintenance dredging following the widening of the IHTB for the -50-Foot Oakland Harbor Navigation Improvement Project; therefore, the Proposed Project would not require a dredging permit pursuant to the City of Alameda's Municipal Code.

Ala-52 Response:

Please refer to response to comment Ala-33. As explained in that response, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the Proposed Project would not be required to submit a grading and drainage plan to the City of Alameda for review and approval. As stated in the Draft EIR under Impact HYD-3, there may be minor, permanent alterations to drainage patterns at the Alameda Site as a result of IHTB widening. Alterations may include

removal, replacement, or redesign of drainage infrastructure such as curbs and gutters resulting from upland excavation and reconfiguration of the shoreline. Any such alterations would occur in compliance with applicable Municipal Storm Water Program permits from the State and Regional Water Boards, including treatment measures and other appropriate source control and site design features to minimize the pollutant load in stormwater discharges and to manage runoff flows. The Proposed Project would not entail any increase in impervious surfaces and therefore would not increase the amount of surface runoff or result in related flooding impacts.

Ala-53 Response:

Please refer to responses to comments Ala-46 through Ala-52.

Ala-54 Response:

During the feasibility study planning process, the Port and USACE developed and evaluated several alternative footprints for widening the IHTB, as described in the Draft EIR Chapter 5, Alternatives. These included two alternatives that avoided Alameda land impacts (Inner Harbor Variation 2 – Shifted North and Inner Harbor Variation 6 – New Location Outside Middle Harbor) and one alternative that would have minimal Alameda land impacts (Inner Harbor Variation 4 – Non-Circular). As summarized in Draft EIR Table 5.4-1, these alternative footprints were eliminated from further consideration because they were determined to be infeasible for one or more the following reasons: site suitability (Variations 2 and 6), environmental considerations (Variation 2), economic viability (Variations 2 and 6), impacts to businesses (e.g., Radius Recycling and Bay Ship & Yacht Co.) (Variation 2), reduced transit efficiency (Variations 4 and 6), and navigational limitations and safety considerations (Variations 4 and 6). Please also refer to response to comment Ala-34.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information.

Please also refer to response to comment Ala-55.

Ala-55 Response:

The City of Alameda's comments assumed that the formerly proposed Oakland Waterfront Ballpark District at Howard Terminal constrained further consideration of an alternative that would widen the IHTB further into Howard Terminal and avoid impacts to the Alameda shoreline. However, pushing the alignment further into Howard Terminal would require significantly more total land removal, including land that is contaminated, and would increase both costs and environmental impacts. Specifically, compared to the Proposed Project, moving the IHTB entirely out of Alameda would add approximately 400,000 cubic yards of land to be excavated, including material that could be hazardous waste; add approximately 2,000,000 cubic yards of material to be dredged; add approximately 750 days and 4 in-water work seasons of dredging; increase criteria pollutant and greenhouse gas emissions between 80 and 122 percent; and increase construction costs by approximately $200 million. Although an EIR must include alternatives that reduce a proposed project's significant impacts, this would include increased air

quality impacts from a substantial increase in the amount of construction activity. As outlined in Section 15126.6 of the CEQA Guidelines, the EIR is required to describe a reasonable range of alternatives to the proposed project that would "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project…." The suggested alternative fails on both fronts. This alternative would also require a realignment of the approach channel limits and would add the risk of a catastrophic accident by requiring vessels to head directly into and stop prior to striking a physical barrier (i.e., bulkhead). Therefore, such an alternative is not viable.

The USACE design guidance EM 1110-2-1613 "Hydraulic Design of Deep Draft Navigation Projects includes the following standards applicable to widening the turning basins: 1) the alignment of a navigation channel is usually designed to follow the course of the deeper channel in a river or estuary to minimize initial and maintenance dredging; and 2) channels with turns and bends are generally more difficult to navigate compared with straight reaches because of reduction in sight distance, reduced effectiveness of aids to navigation, changing channel cross-sectional area, and greater effect from varying current and bank suction forces. Furthermore, the World Association for Waterborne Transport Infrastructure "Harbor Approach Channels Design Guidelines" indicates that straight channel sections are preferable to curved ones and the designer should strive for an alignment consisting of a series of straight sections connected by smooth bends, where necessary, without abrupt angles. As explained above, the suggested alternative of confining the IHTB widening to Howard Terminal would be inconsistent with these design guidelines by requiring a realignment of the approach channel limits, introducing a turn and abrupt stop, and increasing the amount of excavation and dredging required.

Ala-56 Response:

Background content provided regarding the Alameda Point Master Infrastructure Plan (MIP) is noted. The Proposed Project area is not included in the 2014 MIP or analysis, rather only the portions of Alameda shoreline west of Main Street are included in the 2014 MIP, as amended in 2020. Furthermore, the City of Alameda states that the "2014 Alameda Point MIP incorporated the Port's 2009 analysis of the shoreline's static slope stability and seismic performance…." However, the Port does not have any record of a 2009 slope stability analysis. Based on other references made in the letter, the Port believes that the City of Alameda is referencing geotechnical studies conducted by the Port and the USACE for the -50-Foot Deepening Project, a project that was completed in 2009. If so, that analysis of slope stability for the -50-Foot Deepening Project was conducted in 1999. Pursuant to recommendations in the 1999 Geotechnical study, the -50-Foot Deepening Project included mitigation measures for slope stability where construction occurred.

In addition, the Port and the USACE would conduct a geotechnical investigation during the pre-construction and design phase. Refer to Draft EIR, Section 3.7 Geology/Soils for a discussion of the geotechnical investigation and Responses to Comments Ala-15 and Ala-42 also provide a summary of the geotechnical investigation that will be performed. Moreover, while the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, Mitigation Measure GEO-1 has been added in response to the City of Alameda's comments and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity (refer to Response to Comment Ala-15).

Regarding comments that the portion of the Alameda Shoreline addressed in the MIP must be improved to protect lands at the Naval Air Station Alameda Historic District from sea level rise, as indicated above, the Proposed Project area is not included within the MIP study area. Similarly, the Naval Air Station Alameda Historic District, at its closest point, is 2,000 feet southwest of the IHTB widening footprint and would not be impacted by the Proposed Project. In addition, as further explained under response to comment Ala-60, the Proposed Project is not anticipated to exacerbate the risk of sea level rise–induced flooding.

Ala-57 Response:

Please refer to response to comments Ala-56 and Ala-148 regarding the referenced ENGEO report.

Ala-58 Response:

As noted in response to comment Ala-3, the Integrated Feasibility Report/Environmental Assessment is a separate document prepared by the NEPA lead agency, the USACE, and is not subject to the Port's authority. Please refer to response to Ala-56 and Ala-147.

Ala-59 Response:

The Draft EIR Geology/Soils Section (3.7) relies in part on the Geotechnical Appendix prepared by the USACE for the Oakland Harbor Turning Basins Widening Revised Draft Integrated Feasibility Report/Environmental Assessment. The USACE Geotechnical Appendix was informed by previous site-specific investigations and as-built plans, including multiple geotechnical investigations completed for the -50-Foot Oakland Harbor Navigation Improvement Project, which removed a portion of the Alameda Site and constructed the present-day bulkhead wall along the western and northwestern sides of the site. In addition, the USACE Geotechnical Appendix was informed by prior geotechnical investigations at Howard Terminal for the Waterfront District Ballpark project and at Radius Recycling (previously Schnitzer Steel). The Draft EIR also relied on references listed in Chapter 8 of the Draft EIR, including geologic mapping and hazards information. Also, refer to response to comment Ala-42 which summarizes information presented in the Draft EIR's Geology/Soils Section 3.7. The comment does not identify any specific information omitted from the Draft EIR as a result of its incorporation of the USACE Geotechnical Appendix. Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, Mitigation Measure GEO-1 has been incorporated in this Final EIR as a response to public comments and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity (refer to response to comment Ala-15).

As noted in response to comment Ala-3, the USACE's Integrated Feasibility Report/ Environmental Assessment is a separate document with the USACE as the NEPA lead agency.

Ala-60 Response:

Regarding comments related to the Port's consideration of existing shoreline conditions, please refer to responses to comments Ala-15, Ala-56, and Ala-59.

In response to concerns related to sea level rise, the Proposed Project is not anticipated to exacerbate the risk of sea level rise–induced flooding. The Draft EIR Hydrology/Water Quality impact analysis (Section 3.9.4) under Impact HYD-4 concluded that the Proposed Project is

unlikely to result in hydrodynamic changes that would substantially change inundation during sea level rise. Impact HYD-4 regarding flood hazard, tsunami, or seiche zones, and inundation also stated that there may be minor, permanent alterations to upland drainage patterns at the Alameda Site associated with upland excavation and reconfiguration of the facility shoreline (e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters), but these are not anticipated to affect flood hazards.

The existing bulkhead walls at the Alameda Site are at elevation +13.7 feet NAVD88. The Proposed Project's bulkhead walls would match the elevation of the existing bulkhead walls. The Port's Sea Level Rise Assessment used sea level rise estimates of 1 foot, 2 feet, and 3 to 5.5 feet for 2030, 2050, and 2100, respectively; these sea level rise scenarios were obtained from the 2018 California Coastal Commission Sea-Level Rise Policy Guidance document and the San Francisco Bay Conservation and Development Commission Adapting to Rising Tides program. As of 2024, the sea level elevation was +6. 5 feet NAVD88 at its highest level. Accounting for 5.5 feet of sea level rise (the high end of the estimate for 2100 based on the Port's Sea Level Rise Assessment Mapping), sea level at the site would be elevation +12 feet NAVD88 at its highest level. Therefore, the proposed bulkhead wall design elevation of +13.7 feet NAVD88 is more than sufficient to address sea level rise through 2100. It should also be noted that the California Coastal Commission adopted an update to its Sea-Level Rise Policy Guidance in November 2024 that includes reduction (lowering) of the sea level rise estimates from the 2018 Guidance on which Draft EIR and above analysis were based.

Finally, because the Proposed Project would not exacerbate the effects of sea level rise on the surrounding area, the EIR is not required to further evaluate the impacts of sea level rise resulting from global climate change. Refer to *Ballona Wetlands Land Trust v. City of Los Angeles*, 201 Cal.App.4th 455 (2011) (EIR is not required to address future impact of climate change); *Citizens' Committee to Complete the Refuge v. City of Newark*, 74 Cal.App.5th 460 (2021) (Sea level rise is not "new" in relation to the project, and thus not required under initial study checklist).

Ala-61 Response:

Please refer to response to comments Ala-54 and Ala-55 regarding moving the footprint of the proposed widened IHTB, Ala-60 regarding the sea level rise along the Alameda shoreline and more details regarding the planned design of the bulkhead at the Alameda Site, and Ala-148 regarding the 2013 ENGEO Report. In sum, the 2013 ENGEO Report evaluated portions of the Alameda shoreline that are not the subject of this Proposed Project, and therefore is not applicable to the Proposed Project area. Furthermore, the 2013 ENGEO report references a 12-foot width of a levee, not the need for a 12-foot-high bulkhead to be constructed. Finally, because these comments are not on areas with identified significant and unavoidable impacts, the range of alternatives for the Proposed Project need not include alternatives that would reduce these impacts.

Ala-62 Response:

Please refer to response to comments Ala-42 and Ala-56 through Ala-59. The Proposed Project would not have any potentially significant impacts to the Alameda shoreline stability warranting mitigation.

Ala-63 Response:

Please refer to responses to comments Ala-56 through Ala-62.

Ala-64 Response:

The comment mischaracterizes the Draft EIR. It does not state, either in the text referenced in the comment or elsewhere, that the previous removal of a portion of the Alameda Site for the -50-Foot Oakland Harbor Navigation Project and routine maintenance dredging have rendered the Alameda shoreline geologically unstable.

Ala-65 Response:

Please refer to response to comments Ala-15, Ala-42, and Ala-56 through Ala-59. The Proposed Project would not have any potentially significant impacts to the Alameda shoreline stability warranting mitigation.

Ala-66 Response:

Regarding comments related to consideration of existing conditions, refer to response to comments Ala-15, Ala-42 and Ala-59.

In response to comments related to the deferral of site-specific geotechnical investigation, the performance of a site-specific geotechnical investigation is required to inform the design and engineering for the Proposed Project and to comply with applicable building code standards as required by law, including the California Building Code. As noted in the Draft EIR Regulatory Setting (Section 3.7.2), provisions of the California Building Code require the preparation of foundation and soils reports and other geotechnical reports that address site-specific conditions, potential hazards, and required methods and design parameters for remediating and protecting against potential seismic hazards. Furthermore, as noted under responses to comments Ala-15 and Ala-42, as part of the Proposed Project's regulatory permitting review, the Proposed Project's design would be subject to review by the San Francisco Bay Conservation and Development Commission Engineering Criteria Review Board to confirm the Proposed Project is designed based on sound safety standards, including geotechnical considerations. Therefore, because performance of a site-specific geotechnical investigation is already required to design, permit, and construct the Proposed Project in accordance with existing code and regulations, it does not need to be identified as a CEQA mitigation measure, and the Draft EIR did not combine its geologic impact and mitigation analysis. Nonetheless, Mitigation Measure GEO-1 has been incorporated in response to the City of Alameda's comments and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity.

Ala-67 Response:

The Draft EIR, Section 3.7, Geology/Soils includes a detailed analysis of the potential for the Proposed Project (including anticipated maintenance dredging) to result in adverse impacts, including those related to increased risk of seismic-related hazards, landslide, lateral spreading, subsidence, liquefaction or collapse, and expansive soils, among other related impact criteria. Refer to response to comment Ala-42 which summarizes the impact determinations in the Draft EIR Geology/Soils Section regarding seismic failure. As described above in response to comment Ala-59, the Draft EIR Geology/Soils Section (3.7) considers relevant and appropriate information, including the Geotechnical Appendix prepared by the USACE for the Oakland

Harbor Turning Basins Widening Revised Draft Integrated Feasibility Report/Environmental Assessment as well as the references listed in Chapter 8. As discussed above, the USACE Geotechnical Appendix was informed by previous site-specific investigations and as-built plans, including those for the -50-Foot Oakland Harbor Navigation Improvement Project.

In response to the need to prepare a site-specific geotechnical investigation in advance of EIR development and deferral of mitigation, refer to response to comment Ala-66. As explained above, because performance of a site-specific geotechnical investigation is already required to design, permit, and construct the Proposed Project in accordance with existing code and regulations, the geotechnical investigation does not need to be identified as a CEQA mitigation measure, nor did the Draft EIR combine or defer its geologic impact and mitigation analysis.

Ala-68 Response:

Please refer to response to comments Ala-66 and Ala-67. As explained above, because performance of a site-specific geotechnical investigation is already required to design, permit, and construct the Proposed Project in accordance with existing code and regulations, the geotechnical investigation does not need to be identified as a CEQA mitigation measure, nor did the Draft EIR combine or defer its geologic impact and mitigation analysis.

Ala-69 Response:

Please refer to response to comments Ala-66 and Ala-67.

Ala-70 Response:

Draft EIR Table 2.6-1 identifies a list of permits and approvals that are known or anticipated to be required for the Proposed Project, and the text preceding the table notes that the Port, as a lead agency along with USACE, is responsible for obtaining approvals and documenting compliance with applicable environmental laws and regulations. National Pollutant Discharge Elimination System (NPDES) permits for construction and stormwater discharge are among the permits listed in Table 2.6-1. Because compliance with applicable regulations, including those involving the acquisition of permits, is required by law, it is not necessary to identify a CEQA mitigation measure to enforce the Port to obtain permits required to construct the Proposed Project.

Draft EIR Impact HYD-4 regarding flood hazard, tsunami, or seiche zones, and inundation stated that there may be minor, permanent alterations to upland drainage patterns at Alameda Site associated with upland excavation and reconfiguration of the facility shoreline (e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters), but these are not anticipated to affect flood hazard. City of Alameda General Plan policies relevant to hydrology and water quality are discussed on page 3.10-17 of the Draft EIR. The comment does not identify any specific General Plan policies that it believes the Proposed Project may be inconsistent with. Nonetheless, as explained in response to comment Ala-33, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the City of Alameda's General Plan policies would not apply to design and construction of the Proposed Project on the Alameda Site.

Ala-71 Response:

Please refer to response to comment Ala-33. As explained in that response, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be

subject to the City of Alameda's jurisdiction; therefore, the Proposed Project would not be required to submit a grading and drainage plan to the City of Alameda for review and approval.

Ala-72 Response:

Please refer to responses to comments Ala-15 and Ala-64 through Ala-71.

Ala-73 Response:

Please refer to response to comment Ala-56. As mentioned in this response, the Proposed Project area is not included in either the 2014 or 2020 MIP or analysis. Please refer to response to comment Ala-148. As stated in this response, the Proposed Project is not included in the area investigated in the 2013 ENGEO Report. Therefore, findings from neither the MIP or the 2013 ENGEO Report provide sufficient information to assess the existing conditions of the Proposed Project in terms of analyzing impacts to geology/soils, hydrology and water quality, or engineering design.

As outlined in response to comment Ala-15, based on the results of the preliminary geotechnical and structural evaluations performed by the USACE and Port to determine overall engineering feasibility, and to inform the preliminary designs of the Proposed Project (including proposed sheet piles and bulkheads), as well as observed performance of the existing shoreline protections and bulkheads at the turning basins, the USACE and Port determined that the area is expected to accommodate the Proposed Project without resulting in any significant geologic hazards (seismic risks to structures or people, or related landslide, lateral spreading, subsidence, liquefaction, or collapse). As explained in the Draft cumulative impact analysis for Geology and Soils (Section 3.8), the geographic scope of analysis for cumulative geologic impacts encompasses and is limited to the Proposed Project landside sites and the area immediately adjacent to these sites. This is because impacts relative to geologic hazards are generally site-specific and time-specific. Geologic hazards could only be cumulative if two or more geologic hazards occurred at the same time, as well as overlapping at the same location. Of the reasonably foreseeable future projects analyzed in the Draft EIR, only the proposed Oakland Waterfront Ballpark District at Howard Terminal is immediately adjacent to the Proposed Project and could overlap with the Proposed Project's implementation. Pursuant to Assembly Bill 1191 (the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act), because the Port and Oakland Athletics did not enter into a binding agreement by January 1, 2025 for construction of the Waterfront Ballpark District at Howard Terminal project, that portion of Howard Terminal that had been proposed for development of the ballpark district project reverted to a Port Priority Use Area under the San Francisco Bay Plan as of that date (refer to Section 3.11, Land Use, in this Final EIR). Therefore, the Waterfront Ballpark District at Howard Terminal project is no longer considered reasonably foreseeable and has been removed from the cumulative impact analysis in this Final EIR. Although redevelopment may still occur at Howard Terminal, there are no specific development proposals that are reasonably foreseeable at the time of this Final EIR publication for the purpose of consideration of cumulative impacts. Any future development at Howard Terminal would be required to comply with the California Building Code and City of Oakland building regulations and standards, which by design are intended to reduce the cumulative seismic and geologic hazard risks from buildings and structures. Therefore, cumulative effects related to seismic and other geologic hazards would be less than significant. Because the area of the Proposed Project will not increase the risk of seismic hazards at the turning basins, it is not expected to have any cumulatively considerable

impact related to other, unrelated projects. However, as a precaution, this Final EIR adds Mitigation Measure GEO-1 to ensure that final design and construction measures comply with applicable seismic standards, and maintain soil stability and structural integrity at the turning basins.

Ala-74 Response:

In response to comments related to potential to exacerbate existing shoreline instability, refer to responses to comments Ala-15, Ala-42, Ala-56, Ala-59, Ala-60, Ala-62, and Ala-148.

As noted in response to comment Ala-3, the Port has no authority over the Integrated Feasibility Report/Environmental Assessment, because this is a separate document prepared by the NEPA lead agency, USACE. Response to comments contained in this document pertain to the Draft EIR. However, as noted in previous responses, the Draft EIR stated that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards and ensure that the constructed facilities maintain seismic and slope reliability; this would include the portion of the Alameda shoreline included in the proposed widened IHTB footprint.

Furthermore, the comment provides no support for its assertion that the Proposed Project will exacerbate degradation, and does not identify any inadequacy in the analysis presented in the Draft EIR. Nonetheless, Mitigation Measure GEO-1 has been added at the commenter's request to ensure soil stability and structural integrity at the turning basins.

Ala-75 Response:

In response to comments related to the Proposed Project's potential to result in adverse impacts to the Alameda shoreline involving earthquake-induced liquefaction and increased soil destabilization, refer to responses to comments Ala-15, Ala-42, and Ala-67.

In response to comments which suggest a need to conduct a site-specific geotechnical investigation as part of the Draft EIR analysis, refer to responses to comments Ala-15, Ala-66, and Ala-67. Although the Proposed Project is not expected to increase the risk of liquefaction or soil destabilization, this Final EIR adds Mitigation Measure GEO-1, at the commenter's request, to ensure the soil stability and structural integrity at the turning basins.

Ala-76 Response:

Comment noted. The Port acknowledges the materials referenced by the City of Alameda. Please refer to responses to comments Ala-15, Ala-42, Ala-66, and Ala-67. The USACE and Port performed initial geotechnical and structural analyses that accompanied the Integrated Feasibility Report/Environmental Assessment, which together concluded that the Proposed Project would not increase potential risks related to rupture of a known earthquake fault, seismic shaking, or seismic-related ground failure, including liquefaction, lateral spreading, subsidence, landsides, or collapse. Any new bulkhead or sheet pile shoreline structures must comply with applicable seismic design standards. Further geotechnical investigation at the early, Draft EIR phase would not have provided complete information to the public or decisionmakers, because final design could change in response to environmental review. Furthermore, the State Building Code (adopted and incorporated by the Port of Oakland) requires geologic and earthquake engineering reports for construction, which must include a geologic investigation, evaluation of known active

and potentially active faults, ground motion parameters, evaluation of slope stability at or near the site, and the liquefaction and settlement potential of the earth materials in foundations. Considering compliance with these and related provisions of state law, the rigorous investigation process required under the engineering standard of care, and regulatory agency technical reviews (e.g., by the San Francisco Bay Conservation and Development Commission), implementation of Mitigation Measure GEO-1 further supports that the risk of seismic hazards and related geologic hazards would remain less than significant.

Ala-77 Response:

Please refer to response to comment Ala-33. As explained in that response, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, findings from the Alameda Landing Master Development Plan and Alameda Point MIPs including mitigation measures would not be applicable to the Proposed Project. In addition, the geologic and seismic hazard mitigation measures in the Alameda Landing Supplemental Environmental Impact Report (SEIR) are designed with the assumption that a new structure on land is proposed. There is no new structure proposed on the land under the Proposed Project; rather the size of the property would be reduced and the existing bulkhead would be replaced with a newer bulkhead that matches the height of the existing adjacent bulkhead. However, consistent with the intent of the Alameda SEIR mitigation measures, a site-specific geotechnical investigation would be performed for the Proposed Project to inform the design and engineering required to comply with applicable building code standards and ensure that the constructed facilities maintain seismic and slope reliability (refer to response to comments Ala-15 and Ala-42, including discussion of added Mitigation Measure GEO-1). Furthermore, all hydrological impacts are found to be less than significant in the Draft EIR, so no additional mitigation is required.

Ala-78 Response:

As explained in responses to comment Ala-56, the Proposed Project area is not included in the 2014 MIP analysis. In addition, as stated in response to comment Ala-148, the Proposed Project is not included in the area investigated in the 2013 ENGEO Report. Furthermore, as explained in responses to comments Ala-33 and Ala-77, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the Alameda MIPs would not be applicable to the Proposed Project. For these reasons, mitigation measures from the 2014 MIP and 2013 ENGEO Report would not be applicable.

Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, Mitigation Measure GEO-1 has been incorporated in this Final EIR as a response to public comments and as a precaution to ensure that the final design and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity (refer to response to comments Ala-15 and Ala-42).

Ala-79 Response:

Comment noted. The Port is collaborating with the City of Alameda through participation in the Oakland Alameda Adaptation Committee, a coalition of shoreline communities and stakeholders working to accelerate sea level rise adaptation, protect and restore water quality, habitat, and

recreation, and promote community resilience. Please also refer to response to comment Ala-28, which identifies dates the Port has met with the City of Alameda to discuss the turning basins widening project.

Ala-80 Response:

Please refer to response to comment Ala-60.

Ala-81 Response:

Please refer response to comment Ala-60.

Ala-82 Response:

The Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction (refer to response to comment Ala-33); therefore, the City of Alameda's 2022 Climate Adaptation and Hazard Mitigation Plan (CAHMP) would not apply to the design of the Proposed Project. However, even if the CAHMP did apply, the Proposed Project would not conflict with the applicable CAHMP adaptation strategies identified for the shoreline near Webster and Posey Tubes identified in Table 5-3, page 5-10 of the 2022 CAHMP. The Proposed Project does not involve senior centers or care facilities, public trails and open space, or introduction of new land uses at the Alameda Site; therefore, the adaptation strategies pertaining to these topics are not applicable to the Proposed Project. The Proposed Project would be consistent with the mid-term strategy addressing elevating existing levees and seawalls to +13 feet North American Vertical Datum of 1988 (NAVD88). The Proposed Project's bulkhead walls would match the elevation of the existing bulkhead walls, which are at elevation +13.7 feet NAVD88.

The Draft environmental analysis does not find any way in which the Proposed Project would exacerbate the impacts of sea level rise, and a new bulkhead is proposed to be built as part of the Proposed Project; the comment does not suggest any inadequacy or inaccuracy with respect to these analyses. Please refer to responses to comments Ala-42 and Ala-60 regarding analysis of the Proposed Project's sea level rise impacts.

Ala-83 Response:

The 9.4 feet referred to in the CAHMP is another way of describing the 36-inch Water Level Scenario, using the NAVD88 (North American Vertical Datum of 1988) measure. The 36-inch Water Level Scenario described in the CAHMP is also described in the Draft EIR on page 3.10-10. The comment does not identify any inaccuracy or inadequacy with this discussion. Moreover, this discussion in the CAHMP does not describe existing physical conditions, nor does it describe the impact of the Proposed Project or impacts that the Proposed Project would contribute to. To gain a better understanding of future vulnerabilities, the Port is conducting an extensive study of sea-level rise and groundwater intrusion impacts at all Port areas, and developing an adaptation plan.

Please refer to responses to comments Ala-60 and Ala-82.

Ala-84 Response:

This comment suggests incorporating adaptation measures to address existing hazards and environmental changes not caused by the Proposed Project. This is beyond the scope of CEQA. Nonetheless, the existing bulkhead walls at the Alameda Site are at elevation +13.7 feet

NAVD88. The Proposed Project's bulkhead walls would match the elevation of the existing bulkhead walls, which is taller than the +13 feet NAVD88 target height identified on page 5-10 of the CAHMP.

Please also refer to responses to comments Ala-60 and Ala-82.

Ala-85 Response:

No impacts related to this comment are found to require additional mitigation in the Draft EIR. Additionally, the comment's suggestion to establish funding mechanisms to pay for later adaptation improvements for future sea level rise is not related to the impacts of the Proposed Project. As explained in response to comment Ala-33, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, policies in the City of Alameda's CAHMP would not apply to the design of the Proposed Project. As noted in response to comment Ala-84, the Proposed Project's bulkhead walls would match the elevation of the existing bulkhead walls, which is taller than the +13 feet NAVD88 target height identified on page 5-10 of the CAHMP.

Ala-86 Response:

Please refer to responses to comments Ala-42 and Ala-60 regarding analysis of the Proposed Project's sea level rise impacts. The comment does not suggest any way in which the requested mitigation would relate to a significant impact of the Proposed Project.

As discussed on page 3.10-10 of the Draft EIR, the Port's own Sea-Level Rise Assessment also contains strategies to address sea level rise, including one to raise the grade of shipping berths as a long-term solution when terminals reach the end of their useful life to provide long-term flood protection once sea level rise exceeds 3 feet. As explained in response to comment Ala-33, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the Alameda Point MIPs would not apply to the Proposed Project. Refer to also response to comment Ala-56.

Ala-87 Response:

Please refer to responses to comments Ala-33, Ala-56, Ala-60, and Ala-82 through Ala-86. No revisions to the EIR were required.

Ala-88 Response:

This comment relates to impacts of the environment, not impacts of the Proposed Project.

Plan Bay Area 2050 has been considered, and the Port has found the Proposed Project to be consistent with Plan Bay Area 2050. The proposed design for the bulkhead walls assumed 2 feet of sea level rise by 2050, consistent with Plan Bay Area 2050 and the State of California Sea-Level Rise Guidance 2018 Update. It should also be noted that the California Coastal Commission adopted an update to its Sea-Level Rise Policy Guidance in November 2024 that includes reduction (lowering) of the sea level rise estimates from the 2018 Guidance on which Draft EIR and above analysis were based. Plan Bay Area 2050 (page 100) indicates that there are multiple adaptation options for rising sea levels, each with its own suitability along the San Francisco Bay shoreline; this includes sea walls as would be reconstructed along the Oakland and Alameda shorelines for the widened IHTB. Plan Bay Area 2050 Map 5-2, as referenced by the comment, shows adaptation investments (which may include elevated roads/rail, ecotone and

traditional levees, seawalls and tidal gates) along portions of Alameda's northern, western, and southern shorelines, but does not include the shoreline of the IHTB. As noted in response to comment Ala-79, the Port is collaborating with the City of Alameda and other stakeholders regarding sea level rise adaptation through participation in the Oakland Alameda Adaptation Committee.

Please also refer to responses to comments Ala-33, Ala-60, and Ala-82 through Ala-86.

Ala-89 Response:

The proposed bulkhead wall design elevation of +13.7 feet NAVD88, which would match the existing bulkhead wall elevation, is sufficient for sea level rise to 2100. This height would exceed the +13 feet NAVD88 target height for seawalls in this area of the Alameda shoreline identified on page 5-10 (Table 5-3) of the CAHMP and would not exacerbate existing inundation risks related to sea level rise. Please also refer to response to comments Ala-60 and Ala-84. This comment addresses existing hazards and risks and does not address any environmental impacts of the Proposed Project.

Ala-90 Response:

As noted in response to comment Ala-3, the USACE's Integrated Feasibility Report/ Environmental Assessment is a separate document, and the Port has no authority with respect to that document.

Ala-91 Response:

Analysis completed for the Draft EIR does not conclude or otherwise suggest that the existing or proposed bulkhead walls at the Alameda Site would not be tall enough to withstand anticipated sea level rise. Please refer to response to comments Ala-60, Ala-84 and Ala-42. In consideration of this comment, text has been added in this Final EIR under Impact HYD-4 clarifying that the proposed bulkhead wall design elevation of +13.7 feet NAVD88 is more than sufficient to address sea level rise through 2100. This does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. As noted in response to comment Ala-3, the USACE's Integrated Feasibility Report/ Environmental Assessment is a separate document prepared pursuant to NEPA, and the Port has no authority with respect to that document.

The comment relates to impacts of the environment on the Proposed Project and other areas, and does not relate to impacts of the Proposed Project, or any way in which the Proposed Project would exacerbate existing hazards.

Ala-92 Response:

Please refer to responses to comments Ala-60, Ala-42, and Ala-91.

The comment relates to impacts of the environment on the Proposed Project and other areas and does not relate to impacts of the Proposed Project, or any way in which the Proposed Project would exacerbate existing hazards.

Ala-93 Response:

As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational (i.e., maneuvering) improvements that address waterside inefficiencies and suboptimal navigational conditions currently experienced by vessels in the

Oakland Inner and Outer Harbors. Landside improvements that can change the number of containers—and by extension—the number of vessels that can be handled in a finite period (e.g., day) is not a Proposed Project objective; therefore, a direct correlation is not reasonably foreseeable. Instead, the Proposed Project allows the forecasted demand for container trade to be accommodated with less total vessels by allowing large vessels (PPX3 and PPX4) to call more frequently.

Please also refer to Global Response 5: Operational Impacts.

Ala-94 Response:

As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational (i.e., maneuvering) improvements that address waterside inefficiencies and suboptimal navigational conditions currently experienced by vessels in the Oakland Inner and Outer Harbors. Although the commenter did not define "Vessel Turn Time,", the concept typically refers to the total time a vessel spends in a port from arrival to departure, including, but not limited to, the time spent a) maneuvering to and from a dock, b) securing a vessel to the dock, c) customs clearance (if required), d) shore power cabling connections, e) cargo handling, and f) releasing vessel from the dock. Landside improvements and landside operational efficiencies that impact the time a vessel spends at a dock are not an objective or component of the Proposed Project; therefore, a direct correlation is not reasonably foreseeable. Instead, the Proposed Project allows the forecasted demand for container trade to be accommodated with less total vessels by allowing large vessels (PPX3 and PPX4) to call more frequently. Please also refer to responses to Global Response 5: Operational Impacts.

Ala-95 Response:

The City of Alameda's comment provides a list of entitled projects the City of Alameda anticipates would overlap with the construction of the Proposed Project, but were not included in Draft EIR Table 4.2-1, Plans and Probable Future Projects for Cumulative Impact Analysis. Although the City of Alameda indicates it anticipates these projects would overlap with the construction of the Proposed Project, the comment does not provide the specific construction timeframe for each of the listed projects for the Port to be able to confirm the extent to which their construction may overlap with that of the Proposed Project. The comment also includes a footnote with a link to a development forecast table of projects, although it is unclear if the listed projects are those that the City of Alameda is currently considering or has already entitled, given the forecast table does not provide any information about the entitlement status or construction timing of the listed projects.

As described in Draft EIR Section 4.1, Approach to Analysis, the process for identifying projects to be included in the cumulative impact analysis included review of cumulative projects considered for other recent proposed projects at the Seaport (e.g., Eagle Rock Aggregates) and through review of major development projects identified by the City of Oakland and the City of Alameda. With regard to projects in the City of Alameda, the Draft EIR reviewed the Major Planning Projects listed on the City of Alameda's Planning Division webpage (https://www.alamedaca.gov/Departments/Planning-Building-and-Transportation/Planning-Division/Major-Planning-Projects). Specifically, during the preparation of the Draft EIR, the projects listed on this website as of April 2023 were considered for inclusion in the cumulative analysis, and notably the website, neither at the time of Draft EIR preparation or as of March 2025, does not include all those projects listed in the development forecast table referenced in the

City of Alameda's comment. The criterion for considering whether a project is reasonably foreseeable and probable to include in the Draft EIR is whether the project had been defined in adequate detail—either through the completion of publicly available preliminary evaluations, feasibility studies, or draft environmental and engineering documents—to inform understanding of potential project impacts. The list of cumulative projects included in the EIR are those that are defined in adequate detail and located close to the Proposed Project area (i.e., those that could result in overlapping impacts, such as air quality, energy, transportation and circulation, or noise and vibration); or other projects along San Francisco Bay that could result in overlapping impacts to resources, such as biological resources, hydrology, and water quality. The spatial extent for analysis of cumulative impacts varies by resource. Future projects identified are those, based on readily available public information, expected to be constructed or implemented prior to or potentially overlapping with construction of the Proposed Project, which is estimated to start in 2027 and be completed by 2029.

The following discussion addresses specific projects identified by the comment.

Admirals Cove (250 Mosley Avenue) – 227-unit multifamily supportive housing development

The comment provided no additional information about this project. The following discussion is from the Port's research of the project as referenced in the comment.

The City of Alameda Planning Board approved the Admirals Cove 227-unit multifamily housing project on November 14, 2022, and filed a Notice of Exemption for the project (SCH No. 2022110500) on November 22, 2022. The address for this project on the State Clearinghouse website, the Planning Board agenda, and the City of Alameda's Planning Division website is listed as 300 Mosley Avenue, not 250 Mosley Avenue as stated in the City of Alameda's comment. The Port has reviewed the project plans and associated documents approved by the commenter on November 14, 2022. These include a Transportation Demand Management Plan approved by the City of Alameda per City of Alameda Ordinance No. 3309.

The City of Alameda found the project to be consistent with its previously certified General Plan EIR and that no subsequent or supplemental EIR was required due to any changes. The only impact found to be significant and unavoidable in that original General Plan EIR arose from vehicle miles traveled (VMT; Alameda General Plan EIR, pp. 2-5 to 2-26). Again, the Admirals Cove Project was found to fall within the prior analysis, and therefore did not warrant any further environmental review. Although VMT represented a significant issue for the General Plan EIR, the Proposed Project would not meaningfully contribute to VMT impacts (Draft EIR, p. 3.14-26). Therefore, the City of Alameda has already determined that the Admirals Cove project is consistent with the analyses finding all other environmental impacts to be less-than-significant. The City of Alameda's comment that the Admirals Cove project will contribute to a cumulatively considerable impact related to construction is contradicted by its own CEQA analysis of that particular project. Furthermore, based on the Port's review, it appears speculative that this project would be constructed at precisely the same time as the Proposed Project, or otherwise contribute to any temporary cumulative impacts.

North Housing, Habitat for Humanity (300 Mosley Avenue) – 68-unit multifamily supportive and affordable housing development

The comment provided no additional information about this project. The following discussion is from the Port's research of the project as referenced in the comment.

The comment appears to refer to a "North Housing Study Session – 300-501 Mosley Avenue" approved by the City of Alameda's Planning Board to be held on May 11, 2020. (https://alameda.legistar.com/LegislationDetail.aspx?ID=4430531&GUID=C428193E-1075-4471-A2A7-C7D8521F4F66&FullText=1.) According to the Planning Board's discussion, Habitat for Humanity had submitted a preliminary review application at the time, proposing a project under Senate Bill (SB) 35.

It has been more than 4 years since the City of Alameda considered that preliminary study session and no additional information has been located or provided by the City of Alameda about further progress on this project, and the most recent google street view imaging does not show any construction on the site. Therefore, construction of this project in the near future is not probable or foreseeable, and is therefore speculative.

Alameda Point West Midway (Main Street/West Midway Avenue) – 22.8-acre development featuring 480 residential units, and 10,000 square feet of commercial and open space (to be constructed with RESHAP project), and Alameda Point RESHAP (Main Street/West Midway Avenue) – 309-unit affordable multifamily housing development (to be constructed with West Midway project). These projects listed in the comment were already considered in the Draft EIR cumulative impact analysis. The Alameda Point RESHAP and Alameda Point West Midway projects are part of the overall Alameda Point Project that was included in the Draft EIR cumulative project list (Table 4.2-1) and considered in the Draft EIR cumulative impact analysis.

Boatworks Townhomes (2229–2235 Clement Avenue) – 9.48-acre residential development with 182 townhomes and park space, Former Penzoil Site (2015 Grand Street) –90-townhome and 5-accessory-dwelling-unit residential development, and Alameda Marina (1815 Clement Avenue) – 182 townhomes, 218 multifamily units, and 153,000 square feet of commercial space.

The comment provided no additional information about these projects. The following discussion is from the Port's research of the projects as referenced in the comment.

These projects are more than 2 miles from the Proposed Project. At this distance, these projects would not combine with impacts from the Proposed Project for most resources to result in cumulative impacts. Although there could be some cumulative construction traffic impacts along a portion of the Alameda designated truck route along Clement Avenue, there is not any readily available public information indicating the specific timing of construction and traffic impacts of these projects to be able to determine if cumulative effects may result. Additionally, in response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the Proposed Project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information.

The City of Alameda also determined the development of the Former Penzoil Site at 2015 Grand Street, to be exempt from CEQA pursuant to a categorical exemption (https://alameda.legistar.com/LegislationDetail.aspx?ID=6007542&GUID=47EEA779-4CDD-4E6C-8B07-FF8D25E8B42C). Categorical exemptions under CEQA are classes of projects that are generally considered to have no significant environmental impact, as determined by the California Secretary for Natural Resources, and categorical exemptions are inapplicable when

they contribute to cumulative significant impacts (CEQA Guidelines, §§ 15300, 15300.2(b).) Projects that are determined by a lead agency to qualify for one or more categorical exemption classes are exempt from the provisions of CEQA and do not require preparation of environmental documents (CEQA Guidelines Section 15300). Because the City of Alameda has already determined that this project is of a type that does not generally cause significant environmental effects, and that it would not contribute to any cumulative impacts, this project was not included in the cumulative impact analysis.

The comment also contains a footnote with a link containing what the City of Alameda describes as a list of projects that it is either currently considering or have already been entitled. Neither the footnote nor the table at the link provides any information suggesting that any additional projects should be included in the cumulative projects evaluated in the Draft EIR. Based on the above information, the development projects identified in the City of Alameda's comment were: 1) accounted for in the Draft EIR cumulative impact analysis; 2) are categorically exempt from CEQA and therefore not included in the cumulative impact analysis; or 3) are at a distance from the Proposed Project at which contribution to cumulative projects was not expected or are projects for which inadequate information was publicly available to analyze cumulative impacts (refer to response to comment Ala-96). Therefore, additional revision of the EIR cumulative impact analysis to address the development projects identified in the City of Alameda's comment is not required.

Ala-96 Response:

Please refer to response to comment Ala-95 regarding analysis of cumulative traffic impacts related to construction truck trips.

Regarding aesthetics, the Proposed Project would not contribute to significant cumulative aesthetics impacts. Even considering the additional projects identified in the preceding comment, only the Admirals Cove and North Housing for Habitat for Humanity projects, both along Mosley Avenue, are close enough to the Proposed Project that their construction activities and those of the Proposed Project could be seen from the same viewpoint if constructed concurrently. Construction activities for the Proposed Project would appear as an extension of the surrounding maritime industrial activities at the Seaport. Furthermore, temporary views of various construction activities are common in an urban setting. Once constructed, the Proposed Project would result in minimal visual change compared to existing conditions, and would make little to no contribution to cumulative aesthetic impacts that may occur due to nearby development projects.

From the air quality perspective, the Draft EIR already designates the Proposed Project as cumulatively considerable. Information is not readily available for all potentially entitled projects to do a quantitative analysis of the impacts to determine if they would substantially increase the already cumulatively considerable impact. Additional information that would be needed to determine if there was a substantial change in severity would include the schedule and types of construction equipment that would be used. Even if such additional information were available, it would not change the significance determination that the Proposed Project has a cumulatively considerable impact to air quality. As noted in the Draft EIR under Impact C-GHG-1, GHG emissions are, by their nature, cumulative and global in nature. The Proposed Project's contribution to cumulative impacts related to GHG emissions would be less than cumulatively considerable because GHG emissions from Seaport operations would decrease, and construction

emissions would be offset by the carbon sequestration of the beneficial reuse of the dredged sediment, and further reduced with implementation of Mitigation Measure GHG-1.

Traffic congestion and delay are not, in and of themselves, CEQA impacts. To the extent that congestion can create localized "hotspot" issues, these would be limited to PM and CO, because other pollutants are evaluated on a larger scale, such as NO_X, ROG, secondary PM, and GHG. There is insufficient information about the timing and construction methods associated with these projects to include them in the cumulative impacts analysis. There is no evidence to suggest that they would significantly increase the severity of cumulative air quality impacts associated with project construction, which are already significant and unavoidable. With respect to impacts on emergency access, the Draft EIR includes Mitigation Measure TRA-1, requiring a traffic control plan. As the Draft EIR notes on page 4-25, most other cumulative projects also include similar traffic management measures. With Mitigation Measure TRA-1, the impact would be less than cumulatively considerable, and therefore less than significant.

Ala-97 Response:

Refer to Global Response 6: Air Quality Baseline for a discussion of the use of a future baseline and comparison to existing conditions. The EIR used a projected baseline for evaluating air quality impacts to ensure that impacts were accurately disclosed, and use of a current conditions baseline would have been misleading.

Ala-98 Response:

Refer to Global Response 2: Community Engagement and Environmental Justice for a discussion of environmental justice impacts under CEQA. Environmental impacts to all surrounding communities, including West Alameda, were fully analyzed and disclosed. The health risk assessment specifically identified the impacts to residential receptors in West Alameda.

Ala-99 Response:

The City of Alameda correctly states that the Draft EIR finds that the Proposed Project would have significant and unavoidable air quality and health impacts. The Draft EIR proposed mitigation measure AIR-1 to reduce the potentially significant impact to air quality, but even after implementing all feasible measures, the impact to air quality remains significant and unavoidable. (Refer to Global Response 7: Air Quality Mitigation Measures for the modified Mitigation Measure AIR-1, revised using underline to denote any additions the Port has incorporated in response to comments and strikeout to reflect any removal of text from the mitigation measure.) Furthermore, the Draft EIR evaluated air quality impacts to surrounding communities in Oakland and Alameda and concluded that project-level and cumulative air quality impacts were significant and unavoidable under Air District thresholds of significance, as well as consistency with applicable plans and policies. The significant air quality impact is due to the impacts that would occur during Proposed Project construction. Operational impacts are anticipated to be less than significant.

In response to comments related to potential conflicts with the City of Alameda's General Plan, refer to response to comment Ala-33.

Ala-100 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a discussion on the feasibility of using alternative or electric equipment and vehicles. The EIR requires the Port to use

alternatively fueled or electric equipment to the extent that such equipment is available. However, the Port finds impacts to be significant and unavoidable due to the uncertainty about availability of such equipment. The EIR contains clear standards for how the Port will evaluate the feasibility of this mitigation.

Ala-101 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a discussion on the feasibility of using alternative or electric equipment and vehicles. The EIR requires the Port to use alternatively fueled or electric equipment to the extent that such equipment is available. However, the Port finds impacts to be significant and unavoidable due to the uncertainty about availability of such equipment. The EIR contains clear standards for how the Port will evaluate the feasibility of this mitigation.

Ala-102 Response:

The commenter correctly stated the impacts from the Draft EIR and the comment is noted.

Ala-103 Response:

As discussed in response to comment Ala-33 and Ala-37, the Port is not aware of any discretionary approvals that would be required for the Proposed Project from the City of Alameda. For this reason, the Port's Proposed Project activities on that site will not be subject to the City of Alameda's jurisdiction, including its general plan and associated Health Risk Assessment requirement or conditions of approval. Nevertheless, all environmental impacts of the Proposed Project, including health risks and other impacts in the City of Alameda, have been analyzed in the Draft EIR, as explained in response to the City of Alameda's comments. With respect to mitigation, the Port has incorporated all feasible mitigation to address impacts found to be significant and unavoidable, including potential health impacts. Additionally, the Port did prepare a construction health risk assessment. Refer to page 3.3-37 of the Draft EIR. Discussion of the Proposed Project's impacts related to health impacts was included in the EIR under Impact AIR-3 and Appendix C.

Ala-104 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for discussion of mitigation measures proposed by commenters for air quality impacts. The Port has reviewed and considered the City of Alameda's suggested edits to Mitigation Measure AIR-1. Where appropriate, suggested revisions have been partially incorporated to clarify language for contractor implementation. In addition, the response includes a discussion of performance standards to define mitigation measures listed under Mitigation Measure AIR-1.

Ala-105 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a strike-out/underlined revised version of Mitigation Measure AIR-1, and discussion of recommended measures proposed by commenters for air quality.

The City of Alameda has requested that documentation regarding implementation of mitigation should be provided to the City of Alameda. As explained in response to comment Ala-33, the City of Alameda is not anticipated as a CEQA "responsible agency" and has no responsibility over implementation of mitigation for the Proposed Project. The Port is responsible for enforcing its Mitigation, Monitoring, and Reporting Plan to ensure that there is compliance of all

mitigation measures. Providing information to the City of Alameda, which has no jurisdiction over the Proposed Project, would not reduce project impacts.

The City of Alameda suggested that there should be an equipment inventory of off-road equipment to be used and maintained on the Proposed Project site. The Port has incorporated this suggestion, and would make this equipment inventory list available on request.

The Port is required to ensure that all equipment and vehicles used for the project meet the regulatory requirements, which includes labeling and production of certification that their fleets are compliant with the existing regulations. Reporting the vehicles used and their certifications to the City of Alameda would not reduce the Proposed Project's air quality impacts. Nonetheless, once this information becomes available, it would be available to the Port by requesting a detailed spreadsheet of information from the contractors from their DOORS or TRUCRS compliance reports. The Port will maintain equipment report information electronically where all documentation of the MMRP will be saved. This information will not be stored on-site. To the extent that the comment suggests that the Port and/or contractors would not comply with the proposed mitigation measure or regulatory requirements, there is no evidence to support such a claim. The mitigation measure as drafted is enforceable, and the Draft EIR reasonably and appropriately assumes that regulatory requirements will be followed.

Ala-106 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a strike-out/underlined revised version of Mitigation Measure AIR-1 and discussion of recommended measures proposed by commenters for air quality.

The City of Alameda has requested that documentation regarding implementation of mitigation should be provided to the City of Alameda. As explained in response to comment Ala-33, the City of Alameda is not anticipated as a CEQA "responsible agency." The Port is responsible for enforcing its Mitigation, Monitoring, and Reporting Plan to ensure that there is compliance of all mitigation measures. Providing information to the City of Alameda would not reduce project impacts; however, this information will be made available on request.

Ala-107 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a strike-out/underlined revised version of Mitigation Measure AIR-1 and discussion of recommended measures proposed by commenters for air quality, some of which have been incorporated into the revised Mitigation Measure AIR-1.

The City of Alameda has requested that documentation regarding implementation of mitigation should be provided to the City of Alameda. As explained in response to comment Ala-33, the City of Alameda is not anticipated as a CEQA "responsible agency." The Port is responsible for enforcing its Mitigation, Monitoring, and Reporting Program to ensure that there is compliance of all mitigation measures. Although providing this information to the City of Alameda would not reduce project impacts, the Port will make records demonstrating compliance with this Mitigation Measure AIR-1 available on request.

The Port is required to ensure that all equipment and vehicles used for the Proposed Project meet the regulatory requirements, which includes labeling and production of certification that their fleets are compliant with the existing regulations. Reporting the vehicles used and their

certifications to the City of Alameda would not reduce the Proposed Project's air quality impacts. Nonetheless, this information, once it becomes available, would be maintained by the contractors as a DOORS or TRUCRS compliance report. The Port will maintain equipment report information electronically where all documentation of the MMRP will be held. This information will not be stored on the Proposed Project site. To the extent that the comment suggests that the Port and/or contractors would not comply with the proposed mitigation measure or regulatory requirements, there is no evidence to support such a claim. The mitigation measure as drafted is enforceable, and the Draft EIR reasonably and appropriately assumes that regulatory requirements will be followed.

Mitigation Measure AIR-1 as presented in the Draft EIR outlined various measures (labeled as part "a" through part "s") proposed to reduce constriction-related emissions. The City of Alameda proposed additions to these measures, resulting in measures part "a" through part "u". The following paragraphs respond the City of Alameda's specific text additions in part a through part u.

In part a, the Port added a clarification to the exception for Tier 4 Final engines. The Port includes requirements for proper maintenance and tuning in part e of Mitigation Measure AIR-1, and thinks that there is no need to add further descriptions to documentation availability.

The Port has added language to part b stating the use of electric dredgers. The Port declines adding additional criteria suggested by Alameda as part a would be applicable to any fossil-fueled engines. For more information on the feasibility of using zero-emission equipment and vehicles, refer to Global Response 7: Air Quality Mitigation Measures.

The Port declines to include the additions to part c regarding zero-emission technology or RNG/ CNG trucks due to the potential for the specific type of truck needed for the Proposed Project not being readily available, and rather is requiring at least 2015 model year or newer trucks because this model year corresponds to on-road engines with lower emissions requirements as well as improved on-board diagnostics, which further help to decrease air emissions.

The Port declines to include the additions to part d because compliance with existing regulations is required and assumed.

The Port declines to include the additions to part e because they would not reduce any environmental impact. Refer to response to proposed modifications to part a above for further information. The Port modified part f, which suggests increasing watering frequency to state a minimum requirement of twice per day and to reduce visible fugitive dust. The Port declines to add the requirement for watering when wind speeds exceed 15 miles per hour because it would not effectively reduce visible fugitive dust. The performance standard in the mitigation uses the appearance of visible dust as a performance standard to address if additional watering is required rather than wind speed, which is an arbitrary measure. A wet pile would not necessarily need additional watering at 15 miles per hour, and implementation of a wind-speed-based metric would result in water waste. In addition, stockpiles also tend to develop an outer layer of crust that reduces the amount of fugitive dust generated by wind. As drafted, the measure allows for discretion in water use necessary to control the fugitive dust while not wasting water, which can be important to conserve during drought years. The Port declines to adopt the proposed addition of using reclaimed water because it would not effectively decrease the air quality impacts. In addition, use of reclaimed water could increase fugitive dust due to reclaimed water typically having higher content of salts, which may increase fugitive dust emissions during watering as these droplets evaporate.

The Port declines to adopt the proposed addition to part n of contact people for nonresponsible agencies such as the City of Alameda and Oakland, because this would not reduce Proposed Project impacts.

The Port declines to adopt the need to add the term nontoxic in part q because the term nontoxic is not applicable to native seed; native seed is inherently not toxic.

The Port declines to adopt the proposed addition to part t to include enclosing and covering exposed stockpiles because adequate mitigation is already specified in part q and part t for fugitive dust from stockpiles. The additions suggested are duplicative of measures already listed.

The Port declines to adopt the proposed addition to part u because compliance with existing regulations is assumed under CEQA. Therefore, the proposed addition would not reduce air quality impacts if added because the suggested measure is an existing regulation.

Ala-108 Response:

Refer to Global Response 7: Air Quality Mitigation Measures, which examines recommended measures proposed by commenters for air quality.

The City of Alameda proposed a new mitigation measure for air quality monitoring and reporting. The Port declines to adopt the request for installing and maintaining air monitoring stations in and around the turning basin site because such monitoring would not reduce the air quality impacts found to be significant in the EIR.

Ala-109 Response:

Refer to Global Response 7: Air Quality Mitigation Measures, which examines recommended measures proposed by commenters for air quality.

The Port declines to add a specific mitigation measure ensuring the dock doors, loading zones, and other on-site operations are located furthest from sensitive receptors, because there is no evidence that it would reduce significant air quality impacts. The Port is already planning to limit where construction areas may occur to specific portions of the site designated as construction and staging areas (Refer to EIR Figures 2.5-1 through 2.5-3).

Ala-110 Response:

The comment incorrectly captures the estimated project duration, stating that construction of the Proposed Project will take at least 2.5 years. Rather, the estimated construction duration stated in the Draft EIR is 2 years and 4 months (Section 2.5.2, page 2-28), including 20 months at the Alameda Site. Section 3.12 of the Draft EIR includes a detailed analysis of noise-related impacts of the Proposed Project, including description and analysis of anticipated construction activities, construction equipment, distances from sensitive receptors (including residences in the City of Alameda), and examines the potential for Proposed Project construction and operation activities to result in significant impacts related to noise. As discussed in Draft EIR Section 3.12.4 under Impact NOI-1, significant noise impacts during construction have the potential to occur in only two occasions: (1) during daytime pile driving, or (2) during nighttime dredging.

Regarding pile driving, as noted in the Draft EIR, the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. on Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. However, for the purpose of the Draft EIR analysis, the Port applied the City of Oakland's 65 A-weighted decibels (dBA)

construction standard for construction activity occurring over 10 days or more to receptors in Alameda. Had the Port applied the City of Alameda's Noise Ordinance, which exempts daytime construction activities Monday through Saturday, the unmitigated impacts from pile driving would not be considered significant. Applying the City of Oakland's construction standard, with implementation of Mitigation Measure NOI-1A, requiring the use of cushion blocks, there would not be significant noise impacts from pile driving to Alameda sensitive receptors.

Regarding nighttime dredging, as stated in the Draft EIR under Impact NOI-1, unmitigated construction noise levels from nighttime dredging operations would be below existing ambient nighttime noise levels at all receptors in Alameda, except for residential areas south of Mosley Avenue and planned multi-family residences at the Landing at Bay 37. With implementation of Mitigation Measure NOI-1B, requiring installation of a temporary noise barrier between the IHTB and Mosley Avenue residences, noise impacts during nighttime dredging would be reduced to less-than-significant levels for the Mosley Avenue residences. Construction of a barrier along the waterfront at the Bay 37 development would not be feasible because of the necessary height requirement to break the line-of-sight to receptors and secondary impacts related to aesthetics. There would be a residual impact to some of the Bay 37 residential units that would be significant and unavoidable related to exceeding the City of Alameda's 50 dBA exterior nighttime standard. Alameda's nighttime noise standard would only be exceeded during combined nighttime operation of the dredge and tug. During dredging operations, tugboats (the primary noise source for dredging) would be operated to either assist with anchor moves for the dredge barge or to haul scows in and out of the dredge area. There could be two to three anchor moves per day by smaller assist tugs, with each move requiring approximately 1 hour of tug operation. Larger tugboats would be used to haul scows in and out of the dredge area approximately every 12 hours, which would also result in approximately 1 hour of tug operation in the IHTB. Therefore, the combined operation of the dredge and tug would only occur for short periods each day during the 24-hour dredging operation, not all of which would occur during nighttime hours. Exceedances of Alameda's nighttime noise standard during nighttime dredging would only occur at Bay 37 residences within 725 feet of the dredging activity that are either: 1) first- and second-floor residences along the waterfront that would have direct line-of-sight to the dredging operation (which would exclude the residences closest to the Alameda Site warehouses because the warehouse structures would serve as a noise barrier for those residences); and 2) the first line of third floor residences within this distance with direct line-of-sight to the dredging activity. Nighttime dredging within 725 feet of these residences would occur intermittently over approximately 4 weeks during the 2029 in-water work window (June 1 – November 30). As noted under Impact NOI-1, Section 13 31.4(b) of the City of Alameda's Municipal Code establishes an interior Community Noise Level Equivalent (CNEL) standard with windows closed, attributable to exterior sources not to exceed 45 decibels (dB) in any habitable room. Assuming a standard building attenuation level of 20 dBA (US HUD 2009), nighttime interior noise levels at the Bay 37 waterfront units would be at most 35 dB, which would equate to a CNEL value of 42 dB. Therefore, although exterior noise levels would exceed the City of Alameda's 50 dBA exterior nighttime standard, interior noise levels would be below the City of Alameda's 45 dB CNEL standard.

In response to the general comment that the Port should incorporate additional feasible mitigation measures to avoid or substantially reduce the significant noise impacts of the Project, refer to responses below to comments Ala-114 through Ala-122.

Ala-111 Response:

As noted in response to comment Ala-3, the Port has no authority with respect to USACE's Integrated Feasibility Report/Environmental Assessment, prepared under NEPA.

In response to comments pointing out sensitive receptors within the sphere of impacts from the Proposed Project's generated noise, the Draft EIR Noise Environmental Setting (Section 3.12.1) identifies land uses with potentially sensitive noise receptors within 2,000 feet of the generalized IHTB and OHTB proposed construction boundaries. A 2,000-foot distance was selected as the radius based on the potential for impact from pile driving, because at 2,000 feet, noise from pile driving would be attenuated by distance and intervening structures to noise levels commensurate with existing ambient noise levels of the surrounding urbanized areas. This Final EIR has been revised to include the Alameda Housing Authority's housing development at 421 Singleton Avenue; however, impacts at this location would be less than significant with mitigation; therefore, this addition did not change the findings of the noise impact analysis. The Cardinal Point Retirement Home and Barnhill Marina floating residences are further than 2,000 feet from the proposed widened boundary of the IHTB and are therefore outside the noise analysis area considered in the Draft EIR; at these distances, construction noise from the Proposed Project would not exceed ambient noise levels, and therefore, no changes were needed in this Final EIR.

The City of Alameda's comment asserts that the Draft EIR noise analysis be revised to include all residences along Main Street, Barbers Point Road, Mosley Avenue, Singleton Avenue, and Mitchell Avenue. These residential areas are already represented by the four residential receptor locations identified in Draft EIR Table 3.12-4: Admiral's Cove, Alameda Landing, Barbers Point, and Bay 37. The noise impact analysis evaluated impacts at the closest point of these residential locations to the proposed widened IHTB. The extent of significant and unavoidable noise impacts in Alameda is limited to a few residences in the Bay 37 development; no significant and unavoidable impacts would occur in the other residential areas in Alameda. Adding additional individual residences at further distances would not change the findings of the noise impact analysis because the noise impact at residences further from the proposed widened IHTB would be attenuated by distance, and in some cases also by intervening structures, and would be less than noise impacts at the four residential receptor locations identified in the Draft EIR.

Ala-112 Response:

Regarding noise impacts to residents and businesses along designated haul routes from truck trips, the Draft EIR analyzed roadway noise levels with Proposed Project truck traffic for the nine roadway segments along designated haul routes with sensitive receptors. The Draft EIR found that the impact would only be potentially significant for one segment (Main Street from Willie Stargell Avenue to Ralph Appezzato Memorial Parkway, a distance of approximately 0.34 mile); Table 3.12-5). As noted under Impact NOI-1, because the noise modeling analysis used the maximum daily truck trips estimated for the transportation analysis, the estimated noise increases are conservative, because there would likely be fewer average daily truck trips. In addition, the Draft EIR concluded that with implementation of Mitigation Measure NOI-1C, which would limit the number of hourly truck trips generated, this impact would be reduced to less than significant.

As for the descriptions regarding truck trips, as mentioned in the comment, the Draft EIR describes an estimation of the maximum number of daily truck trips associated with hauling demolished, excavated, and dredged materials from Alameda as 262 round trips (524 one-way

trips). In Section 3.14, Transportation, the Draft EIR also describes that the maximum average number of dump truck trips is 380 trips. In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, and a 57 percent reduction of truck trips at the Alameda Site. As a result of this modification, the maximum average daily traffic (ADT) associated with construction at the Alameda Site has been reduced; please refer to responses to comments Ala-113 and Ala-130. With the reduction of truck trips, there would be no potentially significant noise impact related to truck traffic and Mitigation Measure NOI-1C identified in the Draft EIR is no longer required and has been removed in this Final EIR. Impact NOI-1 has been revised in this Final EIR to reflect this change. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Ala-113 Response:

As presented in Draft EIR Table 3.14-6, segments along the City of Alameda's designated truck routes that would be used by the Proposed Project are anticipated to experience a percent increase in ADT ranging between 2 percent and 12 percent when the Proposed Project's maximum construction ADT occurs. In the context of the capacity of these roadway segments, these impacts were determined to be less than significant, because even with the addition of the Proposed Project's maximum ADT, these roadway segments would still be expected to operate well below their capacities. The maximum construction ADT associated with a site is a conservative value of the maximum number of trips that could occur on any one day over the construction duration at the site, and the actual contribution of the Proposed Project's construction traffic to the existing traffic levels on these roadways would be much lower on most days. However, in response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the Proposed Project sites, which is a 46 percent reduction of truck trips at Howard Terminal, and a 57 percent reduction of truck trips at the Alameda Site. This equates to a 54 percent reduction in total construction truck trips from the Proposed Project in Oakland and Alameda as outlined in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information. With this project modification, the Proposed Project's maximum ADT, inclusive of all construction-related trip types for the Alameda Site, would be 172, which is a 67 percent reduction from the maximum ADT of 524 for the Alameda Site reported in the Draft EIR. This further reduces the already less-than-significant impact to roadway capacity along designated truck routes. This Final EIR has been revised to reflect the Proposed Project's reduced maximum ADT (Tables 3.14-4 and 3.14-5) and reduced impact to roadway capacity along designated truck route segments (Table 3.14-6). This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Ala-114 Response:

Please refer to response to comment Ala-110, which provides a detailed response regarding the analysis of construction noise impacts, the Draft EIR's determination of significance, and the suitability of the proposed mitigation.

In response to comments that challenge the sufficiency of the temporary 12-foot noise barrier proposed under Mitigation Measure NOI-1B for reduction of nighttime noise impacts at the Mosley Avenue residences, the City of Alameda does not provide any evidence to demonstrate the proposed noise barrier would not be effective. As stated in the Draft EIR analysis for Impact NOI-1, noise modeling was conducted to assess the potential noise reduction that could be achieved with construction of a temporary 12-foot noise barrier. Noise modeling considered implementation of a temporary 12-foot noise barrier along the southern edge of the harbor on the Alameda side of the IHTB, between the IHTB and Mosley Avenue residences, at a location approximately 220 feet from the noise source and 380 feet from the nearest receptors. This analysis found that a 12-foot noise barrier could achieve a resultant noise reduction of 5.5 decibels (dB). This would reduce the noise level to 49.5 dBA at the Mosley Avenue residences, adhering to the City of Alameda's nighttime noise ordinance, and residual impact on the Mosley Avenue residences would be considered less than significant.

Ala-115 Response:

The Proposed Project includes dredging 24 hours per day, 7 days per week (24/7) to complete all the in-water construction for the Proposed Project within the in-water regulatory work window of June 1 to November 30 during each construction year; no other construction activity is proposed to occur at night. If dredging were not performed 24/7, then the overall project construction schedule would need to be extended either outside the in-water work window or into a fourth in-water construction window in 2030. Both of these options would extend the overall duration of construction-related impacts, including noise and air quality. Furthermore, conducting in-water construction outside the in-water work window could result in significant impacts on special-status fish species. As described under the response to comment Ala-110, assuming a standard building attenuation level of 20 dBA (US HUD 2009), nighttime interior noise levels at the Bay 37 waterfront units would be at most 35 dB, which would equate to a CNEL value of 42 dB. Because the Draft EIR analysis found that the interior noise levels would be below the City of Alameda's 45 dB CNEL standard and would be less than significant, no additional mitigation is required.

However, the Draft EIR did find that exterior nighttime noise impacts could be significant. Such exceedances would be approximately 1-hour events and would only sporadically occur due to the combined effects of dredging with tugs (refer to Draft EIR, p. 3.12-34). These impacts would also be limited to those residences within 725 feet of the dredging that have direct line-of-sight to the dredging activity. The Port evaluated potential mitigation measures that would reduce these exterior noise impacts, including temporary barriers (refer to Draft EIR, Appendix F). However, this would cause secondary significant aesthetic impacts due to breaking line-of-sight from the residences and eliminating the waterfront views. The proposal to relocate the residents is infeasible for the same reason, because it would require the residents to relocate from their current residences, which would result in substantial disruptions despite the extremely limited duration of the significant impact. The Port does not have the authority to forcibly remove individuals from their residences, and any voluntary program would risk leaving nonparticipating individuals in their homes (and thereby not lessen the impact to a level of less than significant). Additionally, as noted above, the residents would not experience any significant impacts inside the residences, because the interior noise standard would not be exceeded at Bay 37.

Ala-116 Response:

Section 3.12 of the Draft EIR includes a detailed analysis of noise-related impacts of the Proposed Project, including a description and analysis of anticipated construction activities, construction equipment, distances from sensitive receptors (including residences in the City of Alameda), and examines the potential for Proposed Project construction and operation activities to result in significant impacts related to noise.

Refer to responses to comments Ala-110 through 115 for discussion of anticipated impacts and the sufficiency of the mitigation measures proposed in the Draft EIR. The Port has reviewed and considered the City of Alameda's suggested edits to noise mitigation measures. Where appropriate, suggested revisions have been incorporated. Refer to responses to comments Ala-117 through Ala-122, where the City of Alameda has provided specific recommendations for mitigation measures and the Port has provided equally specific responses that consider those recommendations.

Ala-117 Response:

The proposed mitigation measure does not provide any specific suggestions that would reduce any impact found to be significant and unavoidable in the Draft EIR.

The suggestion to prepare a Construction Noise Reduction Plan for Alameda City Council review and approval contains no specific suggestions that would reduce any significant and unavoidable impacts. The Port is responsible for enforcing its Mitigation, Monitoring, and Reporting Plan to ensure compliance with all mitigation measures. Providing information to the City of Alameda, which has no jurisdiction over the Proposed Project, would not reduce project impacts.

The suggested requirements for bid specifications requiring contractors to provide an equipment inventory list with available noise control devices, propose alternative construction methods to reduce noise, and use best commercially available noise-reducing technology and methods would not reduce any impact found to be significant and unavoidable in the Draft EIR. The noise impact analysis in Draft EIR Section 3.12.4 under Impact NOI-1 indicates that significant noise impacts during construction would only occur during pile driving or nighttime dredging. Potentially significant noise impacts would not occur from other daytime construction activities other than pile driving. With implementation of Mitigation Measure NOI-1A, requiring the use of cushion blocks, the noise impacts during pile driving would be reduced to less-than-significant levels at all Alameda sensitive receptors. Therefore, additional mitigation measures suggested by the City of Alameda to reduce noise from daytime construction activities are not required. As described in the response to comment Ala-115, nighttime exterior noise level exceedances would be approximately 1-hour events and would only sporadically occur due to the combined effects of dredging with tugs. The Proposed Project already includes use of an electric dredge, and there are no feasible noise control devices that could be installed to reduce noise from the dredge and tugs, or feasible alternative construction methods to dredging.

The suggestion to specify additional attenuation measures and best practices does not identify any specific additional measures that should be included. As stated above, daytime construction noise levels would be reduced to a less-than-significant level with implementation of Mitigation Measure NOI-1A. Construction noise levels from nighttime dredging operations would be below existing ambient nighttime noise levels and would have less-than-significant impacts at all receptors in Alameda except for residential areas south of Mosley Avenue and planned multi-family residences at the Landing at Bay 37. As described under response to comment Ala-114,

Mitigation Measure NOI-1B would reduce noise impacts from nighttime dredging for the Mosley Avenue residences through installation of a temporary noise barrier; installing a noise barrier for the Landing at Bay 37 residences would not be feasible. Because the Draft EIR analysis found that the interior noise levels at these residences would be below the City of Alameda's 45 dB CNEL standard, additional mitigation measures, including the use of sound blankets or offering to temporarily relocate sensitive receptors into a hotel or other accommodations when interior noise levels are expected to meet or exceed 45 dBA, are not warranted. In addition, for the reasons stated in response to comment Ala-115, the proposal to relocate the residents is infeasible and would not lessen the impact to a level of less than significant.

The suggestion to specify additional attenuation measures and best practices to reduce construction noise impacts at specified locations does not identify any specific additional measures, and except for Bay 37, proposes mitigation at locations that are not subject to significant and unavoidable noise impacts.

As stated above, interior noise levels at the Bay residences would be below the City of Alameda's 45 dB CNEL standard and therefore use of sound blankets is not warranted. Sound blankets require installation on structures and therefore would not be feasible for reducing exterior nighttime noise levels.

The suggestion to monitor the effectiveness of noise attenuation measures does not reduce any impact found to be significant and unavoidable.

The suggestion to provide alternative construction methods if a unique circumstance exists does not identify any such unique circumstance, nor does it identify any feasible alternative construction methods.

Generally, please refer to detailed responses below under comments Ala-118 through Ala-122 regarding proposed measures for construction equipment and techniques, truck traffic noise, and noise monitoring and reporting. For the reasons stated above and the discussion included below, the City of Alameda's suggested Construction Noise Reduction Plan mitigation measure was not incorporated into this Final EIR.

Ala-118 Response:

The noise impact analysis in Draft EIR Section 3.12.4 under Impact NOI-1 indicates that significant noise impacts during construction would only occur during pile driving or nighttime dredging. Potentially significant noise impacts would not occur from other daytime construction activities other than pile driving. With implementation of Mitigation Measure NOI-1A, requiring the use of cushion blocks, the noise impacts during pile driving would be reduced to less-than-significant levels at all Alameda sensitive receptors. Therefore, additional mitigation measures suggested by the City of Alameda for daytime operation of construction equipment and construction techniques are not required. Furthermore, as noted in the Draft EIR, the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. on Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays. However, for the purpose of this analysis, the Port applied the City of Oakland's daytime noise ordinance standards to receptors in Alameda. Had the Port applied the City of Alameda's Noise Ordinance, which exempts daytime construction activities Monday through Saturday, the unmitigated impacts from pile driving would not be considered significant.

Therefore, the City of Alameda's suggestion that the Port adopt numerous measures to reduce noise from daytime construction activities contradicts the City of Alameda's own noise ordinance.

The suggestion to prohibit construction activities exceeding the 45 dBA interior noise standard at night does not reduce any significant and unavoidable impact, because interior noise impacts are not found to exceed that threshold.

The suggested edits to the second paragraph of this measure expanding measures proposed to reduce noise from pile driving to apply to all construction activities do not reduce any significant and unavoidable impact for the reasons stated under response to comment Ala-117.

The suggested edits requiring best available noise control techniques were not incorporated for the reasons stated under response to comment Ala-117.

The suggested edits specific to pile driving were not incorporated because they do not reduce any significant and unavoidable impact. As stated in the Draft EIR under Impact NOI-1, Mitigation Measure NOI-1A reduces impacts from pile driving to a less-than-significant level for all residences except the proposed residences at Howard Terminal. Pursuant to Assembly Bill 1191 (the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act), because the Port and Oakland Athletics did not enter into a binding agreement by January 1, 2025, for construction of the Waterfront Ballpark District at Howard Terminal project, that portion of Howard Terminal that had been proposed for development of the ballpark district project reverted to a Port Priority Use Area under the San Francisco Bay Plan as of that date (refer to Section 3.11, Land Use, in this Final EIR). Therefore, the Waterfront Ballpark District at Howard Terminal project is no longer considered reasonably foreseeable and has been removed from the cumulative impact analysis in this Final EIR. As a result, the proposed residences that were included as part of the Waterfront Ballpark District project have been removed as a sensitive receptor in this Final EIR and no significant and unavoidable noise impacts would occur at this location. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. Although redevelopment may still occur at Howard Terminal, there are no specific development proposals that are reasonably foreseeable at the time of this Final EIR publication. Any future development at Howard Terminal must be consistent with the Port Priority Use Area designation. The Port Priority Use Area does not allow for residential development.

The suggested edits affecting construction staging areas do not reduce any significant impact compared to the existing Proposed Project and mitigation measures. The preliminary staging areas identified for the IHTB construction, provided in Draft EIR Figure 2.5-1, have been located away from sensitive receptors to the extent possible while maintaining necessary proximity to the construction work area. As noted in Draft EIR Section 2.5.4 under Construction Staging, these staging areas would only be used if the construction work areas do not provide sufficient area for staging. The Draft EIR analysis did not find that use of staging areas would result in potentially significant noise impacts.

The suggestion regarding backup alarms of equipment does not reduce any significant and unavoidable impacts, because such alarms are not a cause of any significant and unavoidable impacts. The proposal would also create potential safety hazards.

The suggestions regarding back-up alarms, stationary noise sources, and individual operators and techniques do not reduce any significant and unavoidable impact. These suggested measures

would only be applicable to daytime construction activities. As stated above, unmitigated noise impacts from all daytime construction activities except for pile driving would be less than significant, and impacts from pile driving would be less than significant with implementation of Mitigation Measure NOI-1A.

As described under response to comment Ala-114, Mitigation Measure NOI-1B would reduce noise impacts from nighttime dredging for the Mosley Avenue residences through installation of a temporary noise barrier; installing a noise barrier for the Landing at Bay 37 residences would not be feasible. Similarly, it would not be feasible to install other attenuating buffers (structures, truck trailers, soils piles, etc.) suggested by the comment to reduce the impact at the Bay 37 residences. Because the Draft EIR analysis found that the interior noise levels at these residences would be below the City of Alameda's 45 dB CNEL standard, additional mitigation measures, including the use of sound blankets, are not warranted. Also refer to response to comment Ala-119.

As noted in the response to comment Ala-45, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's noise and traffic control measures.

For the reasons stated above, the City of Alameda's proposed changes to Draft EIR Mitigation Measure NOI-1A were not incorporated into this Final EIR.

Ala-119 Response:

As discussed in Draft EIR Section 3.12.4 under Impact NOI-1, significant noise impacts during construction have the potential to occur in only two different occasions: daytime pile driving and nighttime dredging. Mitigation Measure NOI-1B, is proposed for the reduction of impacts during *nighttime* dredging (Mitigation Measure NOI-1A is proposed for the reduction of impacts during daytime pile driving and is discussed in response to comment Ala-120).

In response to item (1), potentially significant noise impacts would not occur from other daytime construction activities, and therefore installation of the temporary noise barrier would not be necessary to reduce, or aim to achieve reduction of, daytime noise impacts at the locations mentioned in the City of Alameda's modifications to the measure.

In response to item (2), unmitigated construction noise levels from nighttime dredging operations would be below existing ambient nighttime noise levels at all receptors in Alameda, except for residential areas south of Mosley Avenue and planned multi-family residences at the Landing at Bay 37. As described above under response to comment Ala-114, Mitigation Measure NOI-1B would reduce noise impacts from nighttime dredging to a less-than-significant level for the Mosley Avenue residences through installation of a temporary noise barrier. Installing a noise barrier for the Landing at Bay 37 residences would not be feasible because of the necessary height requirement to break the line-of-sight to receptors and secondary impacts related to aesthetics. Furthermore, given the other structures and uses adjacent to the Alameda Site where construction would be occurring, it would not be feasible to surround the entire Proposed Project area with a noise barrier because it would completely block access to the site. In addition, installation of a noise wall in the waterway would be considered infeasible, significantly constrained by constructability, environmental impacts (both equal to and more severe than the Proposed Project), and existing navigational activities.

Lastly, in response to item (3), it is unclear in the suggested additions what the other locations (not occupied by sensitive receptors) the City is referring to or why there would be a need to

reduce noise levels at the additional locations. The suggestion would not reduce any significant and unavoidable impacts.

For the reasons stated above, the City of Alameda's proposed changes to Draft EIR Mitigation Measure NOI-1B were not incorporated into this Final EIR.

Ala-120 Response:

With the reduction of truck trips in Oakland and Alameda as described in Global Response 4: Reducing Local Truck Trips, Mitigation Measure NOI-1C identified in the Draft EIR is no longer required and has been removed in this Final EIR. Therefore, the City of Alameda's proposed changes to Draft EIR Mitigation Measure NOI-1C were not incorporated into this Final EIR.

Ala-121 Response:

In consideration of comments received on the Draft EIR, the Port has modified Mitigation Measures NOI-1A and NOI-1B in this Final EIR to include a designated point of contact for noise complaints and additional information on notifying nearby property owners and residents regarding the timing and nature of construction activities.

As noted in the response to comment Ala-45, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's noise control measures.

Ala-122 Response:

The Port would document compliance with mitigation measures adopted for the Proposed Project as part of its Mitigation Monitoring and Reporting Program. The noise mitigation measures as written in the Draft EIR were determined to be sufficient to reduce the Proposed Project's potentially significant noise impacts to Alameda sensitive receptors to a less-than-significant level, except for the significant and unavoidable impact during nighttime dredging to some of the Landing at Bay 37 residences. The proposed mitigation measure does not propose any specific mitigation that would reduce any impact found to be significant and unavoidable. Therefore, noise monitoring during construction is not proposed and is not warranted.

As noted in the response to comment Ala-45, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's noise control measures.

Ala-123 Response:

The Draft EIR cumulative analysis considered four development projects in Alameda: Landing at Bay 37, Alameda Housing Authority North Housing, Alameda Point Project, and Encinal Terminals. Construction of the Landing at Bay 37 residential development will be completed prior to construction of the Proposed Project, and therefore would not combine with the Proposed Project to result in cumulative truck traffic noise impacts. The Alameda Housing Authority North Housing was determined to be exempt from CEQA, so there was no available analysis under CEQA of this project's potential impacts related to incremental noise impacts from construction traffic. The EIRs for the Alameda Point Project and Encinal Terminals projects, available on the City of Alameda's Planning Division webpage, did not analyze impacts related to construction traffic noise. Therefore, there was no available environmental analysis for the Alameda Housing Authority North Housing, Alameda Point, or Encinal Terminals projects to inform analysis of

cumulative impacts related to construction noise traffic, nor is it probable or foreseeable that these projects would be constructed at the same time. For all of these reasons, any cumulative analysis performed would be speculative. This has been clarified in this Final EIR.

Ala-124 Response:

Comment noted. No changes to the EIR have been made in response to this comment.

Ala-125 Response:

Comment noted. No changes to the EIR have been made in response to this comment.

Ala-126 Response:

The City of Alameda asserts, without support, that vessel transit times (delays) will increase. The Port has concluded, based on its harbor simulation studies, that vessel transit time will, in fact, be reduced because of the Proposed Project. Please refer to responses to comments Ala-93 and Ala-94 addressing vessel turnaround time.

The Draft EIR provided support for its assertion that the overall cargo handled by the Port will increase due to economic considerations with or without the Proposed Project. Refer to Global Response 5: Operational Impacts for a discussion on operational impacts and growth inducement as well as the impact of more large vessels calling the Port. Refer to Global Response 6: Air Quality Baseline for a discussion of the use of the first operational year as a baseline as well as comparison to existing conditions.

Ala-127 Response:

As stated in the Draft EIR Section 3.8.3, the Port used the goals set forth in SB 32 and applicable strategies outlined in the latest Scoping Plan (CARB 2022 2022 Scoping Plan for Achieving Carbon Neutrality) to evaluate the significance of the GHG emissions. The Port declines the suggestion of no net increase in GHG emissions because the State has developed a plan to meet the State's GHG emission reduction goals, including projected growth.

As discussed under impact GHG-1, the total Proposed Project construction would result in a one-time occurrence of 10,205 metric tonnes of carbon dioxide equivalent (CO_2e), which would only exist during the 3-years of construction. Typically, construction projects are amortized over the life of the project. As reported in the Draft EIR in Section 3.8.4 Impact GHG-1, operational emissions would result in a decrease compared to the future No Project. In addition to the net reduction in operation emissions, the beneficial reuse of dredged material has the potential to sequester carbon as outlined in the Draft EIR using a credible rate of carbon sequestration in wetlands supported by a scientific report on wetland sequestration. Although the phasing of overall reduction in GHG emissions would happen over time, the Port included Mitigation Measure GHG-1 to include GHG reduction measures that are feasible for construction equipment and vehicles even though the analysis would still indicate a net reduction in GHG emissions without implementation of Mitigation Measure GHG-1 when amortized over the life of the project. As discussed in Draft EIR Impact GHG-2, the Proposed Project does not impede the achievement of the statewide GHG goals and policies, and does not conflict with any strategies outlined in the State's Scoping Plan. Transportation sector regulations and future measures designed to achieve the emission reductions assumed as part of the Scoping Plan are applicable to the Proposed Project operations, including truck efficiency, low carbon fuel standard, at-berth regulation, commercial harbor craft regulations, transition to ZEV and vessels, transitioning and enhancing electrical and alternative fuel

infrastructure, and decarbonization of the electricity supply. These measures would result in reduction of operational GHG emissions associated with the Proposed Project. These regulations would reduce GHG emissions for both the Proposed Project and No Project scenarios. Therefore, the Proposed Project properly evaluated the GHG emissions compared to the State goals and polices.

The Port continues to plan for reducing the GHG emissions of Seaport activities that are in line with the goals of AB 32 and SB 32 and the policies for zero-emissions transportation and electricity supply. The Board of Port Commissioners has approved GHG emission reduction programs via the 2020 and Beyond Plan. Post-construction, the operation of the Seaport will be improved with more efficient vessel fleet mix and number of calls in the future compared to the No Project future scenario. The Proposed Project would allow for proper orientation of vessels to better use shore power while at-berth. The Proposed Project would add electrical infrastructure that enhances the available electricity at Berth 26 and Howard Terminal and allows for construction of the Proposed Project to use electric dredgers.

Ala-128 Response:

The Draft EIR used reasonable estimates to determine the volume of material that would be available for beneficial reuse to restore and enhance wetlands. The Draft EIR also included reasonable estimates of the material that would be sent for recycling, and Class I or Class II landfills as outlined in Tables 2.5-3 and 2.5-4. The USACE is responsible for maintenance dredging of the Inner and Outer Harbor navigational channels, and the Port has no involvement in determining the placement location of dredged materials from this maintenance dredging. For additional information, please refer to the Draft EA/EIR for the San Francisco Bay Federal Channels Operation and Maintenance Dredging and Sediment Placement Activities, Dredging Years 2025-2034, published by the USACE and San Francisco Bay Regional Water Quality Control Board in October 2024 (https://ceqanet.opr.ca.gov/2024020498/2). This document considers multiple alternatives with varying placement locations for Oakland Harbor, and presents estimated volumes of dredged material that would go to each placement location under each alternative, as summarized in Table ES-2 of the EA/EIR.

However, even without taking credit for carbon sequestration, the net GHG emissions would result in a reduction when construction is amortized over the life of the project. The projected reduction in the future operations in 2050 is larger than the estimated construction emissions of 10,205 metric tonnes of CO_2e compared to a 2050 difference of 13,545 metric tonnes of CO_2e. Therefore, even without taking credit for the carbon sequestration resulting from beneficial reuse, the Proposed Project results in a net reduction in GHG emissions when amortized over the life of the project compared to the No Project operational baseline, as discussed in this Final EIR Section 3.8.4 under impact GHG-1.

Ala-129 Response:

The Draft EIR is correct in stating that the impact to GHG emissions is less than significant with mitigation, because the Proposed Project would result in a net reduction in overall GHG emissions, as described in response to comment Ala-128. Even without mitigation, the Proposed Project impact is not significant. Although the beneficial reuse of dredged material will increase carbon sequestration over time as well, the Port conservatively required construction GHG emission reductions to be implemented to minimize some of the GHG emissions at the time of construction. Therefore, although not required to conclude a less-than-significant impact, the

Port chose to require at least some reductions at the time of construction as outlined in Mitigation Measure GHG-1.

Ala-130 Response:

The Draft EIR transportation impact analysis (Section 3.14.4) acknowledges under Impact TRA-1 that the Proposed Project's construction delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact. The Draft EIR included Mitigation Measure TRA-1 requiring the construction contractor to develop a comprehensive construction Traffic Control Plan that includes various measures to minimize the effects of the Proposed Project's construction traffic on overall circulation, including temporary traffic controls, such as signage and flaggers, to minimize conflicts; identification and enforcement of designated truck haul routes; and advance notification of neighboring residents, businesses, schools, and other property owners of any substantial increases in construction traffic. With the implementation of the required Traffic Control Plan, the volume and timing of construction traffic would be managed to avoid adversely affecting local roadway, bicycle, and pedestrian circulation, and the impact relative to potential conflicts with local plans, ordinances, or policies would be less than significant. Furthermore, as stated in the Draft EIR under Impact TRA-1, because the maximum construction ADT associated with a site is a conservative value taken over the construction duration at the site, the actual contribution of the Proposed Project's construction traffic to the existing traffic levels on these roadways would be much lower on most days.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, and a 57 percent reduction of truck trips at the Alameda Site. This equates to a 54 percent reduction in total construction truck trips from the Proposed Project in Oakland and Alameda as outlined in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information. With this project modification, the maximum number of daily truck trips for the Alameda Site is reduced to approximately 60 round trips, or 120 one-way trips (i.e., maximum ADT for dump truck trips), which a 68 percent reduction from the dump truck maximum ADT of 380 for the Alameda Site reported in the Draft EIR. This reduced maximum number of truck trips (60 round trip/120 one-way) is anticipated to occur for approximately 23 weeks during warehouse demolition and Class 1 material hauling. During pile hauling activities, the maximum number of daily truck trips for the Alameda Site would be 16 round trips (32 one-way trips) for 21 weeks. For 42 weeks (approximately 10 months) of the total 20-month construction duration in Alameda, there would be zero to 10 round trips per day from trucks. With this project modification, the Proposed Project's maximum ADT, inclusive of all construction-related trip types for the Alameda Site, would be 172, which is a 67 percent reduction from the maximum ADT of 524 for the Alameda Site reported in the Draft EIR. This further reduces the already less-than-significant impact to roadway capacity along designated truck routes. This Final EIR has been revised to reflect the Proposed Project's reduced maximum ADT (Tables 3.14-4 and 3.14-5) and reduced impact to roadway capacity along designated truck route segments (Table 3.14-6). This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

The comment references the Proposed Project's "operational trucks." As explained in Draft EIR Section 3.14.3 under Approach to Analysis, Traffic Methodology and Assumptions, the Proposed Project would not generate any new vehicle trips during operations; therefore, the potential for impacts would be limited to the Proposed Project's construction-related trips.

The comment references the maximum ADT of 164 trips that would be required for the loading and hauling of dredged sediment. As indicated in Draft EIR Table 3.14-5, those trips are associated with sediment dredged from the existing Inner Harbor and would occur at Berth 10 in the Seaport's Outer Harbor in Oakland, not in Alameda. Furthermore, these truck trips may also be eliminated by using barge transport as explained in Global Response 4: Reducing Local Truck Trips.

Ala-131 Response:

General concern regarding the use of large trucks for construction activities and the potential for impact on the local environment is acknowledged. The Draft EIR addressed the potential for environmental impacts of the Proposed Project, including those resulting from large trucks, as part of Chapter 3 of the Draft EIR.

The Port appreciates the City of Alameda's informing the Port as to the new and revised Truck Route Map and Street Classification Appendix. The Port acknowledges that the new truck route map was adopted as part of a General Plan Mobility Element Appendix update. The proposed truck routes in Alameda for the Proposed Project shown in Draft EIR Figure 3.14-4 were based on the City of Alameda's 2009 truck route map and are consistent with those shown in the City of Alameda's current (2023) truck route map, except for one approximately 0.6-mile section along Clement Avenue. The 2023 truck route map shows a permanent truck route along Atlantic Avenue east of Webster Street that continues east on Clement Avenue until Park Street. The truck route map in the Draft EIR follows the temporary truck route designated on the City of Alameda's 2023 truck route map that deviates from Clement Avenue between Sherman Street and Grand Street, running along an approximately 0.5-mile section of Buena Vista Avenue. This temporary truck route includes an approximately 0.13-mile section along both Sherman Street and Grand Street for a total of 0.76 mile of a temporary truck route shown in the Draft EIR. This Final EIR has been updated to reflect and reference the City of Alameda's 2023 truck route map and note that the Proposed Project would follow the current City of Alameda designated truck routes at the time of construction. The City of Alameda's street classifications have also been updated in this Final EIR to be consistent with the City of Alameda's 2023 Street Classification Appendix. These revisions do not result in new or substantially more severe impacts from the Proposed Project, nor do they necessitate recirculation of the EIR. Please refer to Global Response 1: CEQA Process regarding recirculation.

Ala-132 Response:

Regarding comments pertaining to the City of Alameda's revised Truck Route Map and Street Classification Appendix (2023), please refer to response to comment Ala-131. Specific to the existing typical daily capacity of Ralph Appezzato Memorial Parkway west of Webster Street, it has been corrected in this Final EIR to 18,000; this revision does not change the impact of the Proposed Project on this roadway segment.

Ala-133 Response:

The City of Alameda's comments note that students commuting to Ruby Bridges Elementary School would have to cross a portion of the proposed truck haul route on Main Street and Ralph

Appezzato Memorial Parkway and that the Proposed Project's construction-related truck trips would significantly impact pedestrian and bicycle safety. As noted above, the Proposed Project truck routes identified in the Draft EIR are based on the truck routes designated by the City of Alameda; all road segments of the Proposed Project's truck haul routes are part of the City of Alameda's designated/approved truck routes. The Proposed Project would use the City of Alameda's designated/approved truck routes at the time of construction. The City of Alameda adopted its current (2023) truck route map as part of a General Plan Mobility Element Appendix update on January 17, 2023, via Resolution No. 16026. Item 2 of the resolution states that the General Plan amendment will have acceptable effects on the general welfare of the community. Item 4 of the resolution indicates that adoption of the Mobility Element Appendix is consistent with the finding of the General Plan EIR, that no revisions to the General Plan EIR were required due to new or substantially significant impacts, and that no further environmental review was required for adoption of the Mobility Element Appendix. Therefore, the resolution implies that the City of Alameda considered the environmental effects, including those on bicycle and pedestrian safety, in designating truck routes as indicated on the adopted 2023 truck route map. The Draft EIR transportation impact analysis (Section 3.14.4) acknowledged under Impact TRA-1 that Proposed Project's construction delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact. The Draft EIR included Mitigation Measure TRA-1 requiring the construction contractor to develop a comprehensive construction Traffic Control Plan that includes various measures to minimize the effects of the Proposed Project's construction traffic on overall circulation, including temporary traffic controls, such as signage and flaggers, to minimize conflicts; identification and enforcement of designated truck haul routes; and advance notification of neighboring residents, businesses, schools, and other property owners of any substantial increases in construction traffic. With the implementation of the required Traffic Control Plan, the volume and timing of construction traffic would be managed to avoid adversely affecting local roadway, bicycle, and pedestrian circulation, and the impact relative to potential conflicts with local plans, ordinances, or policies would be less than significant.

Furthermore, in response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the Proposed Project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information.

Ala-134 Response:

The City of Alameda requested analysis of how the Proposed Project's construction and operations-related truck trips may impact the City of Alameda's ongoing transportation improvement projects. The comment references the Proposed Project's "operational trucks." As explained in Draft EIR Section 3.14.3 under Approach to Analysis, Traffic Methodology and Assumptions, the Proposed Project would not generate any new vehicle trips during operations; therefore, the potential for impacts would be limited to the Proposed Project's construction-related trips. The City of Alameda provided a 2023 Transportation Capital Project Work Program Map and a City of Alameda Status Report on Projects dated August 21, 2023. It is not

clear whether the commenter believes what—if any—potential environmental effects of the Proposed Project could be related to the City of Alameda's transportation capital projects. Nonetheless, this information was reviewed to identify projects in close proximity to the Alameda Site or overlapping or intersecting with the proposed truck haul routes; the potential for the Proposed Project to affect these projects was evaluated as summarized in Table G-18.

Table G-18 Proposed Project Impacts on City of Alameda Transportation Capital Projects

City of Alameda Transportation Capital Project	Potential Impact from Proposed Project
Projects Near the Alameda Site	
Main Street Ferry Terminal Refurbishment	No impact. Ferry Terminal Refurbishment was completed at the end of 2023, and therefore would not overlap with or be impacted by construction of the Proposed Project.
Estuary Water Shuttle Pilot	No impact. Shuttle service commenced in July 2024 and is scheduled to continue for 2 years, providing service between Alameda Landing at the Bohol Circle Immigrant Park dock and Jack London Square, according to a City of Alameda July 2, 2024, press release (https://www.alamedaca.gov/Shortcut-Content/News-Media/Oakland-Alameda-Water-Shuttle-to-Launch-July-17). In the event this service continues beyond 2026, the Proposed Project's construction would not impact this service because the shuttle service operates 1,500 feet east of the Proposed Project's in-water construction area.
Oakland Estuary Alameda Bridge	No impact. Bridge project is in the project initiation (pre-environmental review) phase and there is no specific information publicly available regarding the project design or anticipated construction timeframe for this project should it move forward; however, based on the City of Alameda's 2023 Transportation Capital Project Work Program Map, at its closest point, the proposed bicycle/pedestrian bridge could be 1,500 feet east of the Proposed Project's construction area eastern limit, and therefore the Proposed Project's construction would not be expected to impact the bridge project in the event the two projects overlap.
Projects Along the Proposed Truck Haul Routes on City of Alameda Designated Truck Routes	
Cross Alameda Trail Intersection Improvements from Constitution Way to Main Street	No impact. Construction is scheduled to be completed in 2024 and therefore would not overlap with or be impacted by construction of the Proposed Project.
Clement Safety Improvement Project	No impact. Construction is scheduled to be completed in 2024 and therefore would not overlap with or be impacted by construction of the Proposed Project.
Pavement Management and Safety Improvements	No impact. Construction is scheduled to be completed in 2024 and therefore would not overlap with or be impacted by construction of the Proposed Project.

Three additional projects that overlap or intersect with the Proposed Project's truck haul routes are currently in the planning phase; these include the Stargell Safety Improvement Project, Clement Avenue Extension from Hibbard to Grand, and Park Street and Webster Street Safety and Enhancement Project. There is no specific information publicly available regarding the planned improvements or anticipated construction timeframe for these projects to allow detailed analysis of the Proposed Project's potential impacts; however, to the extent that the City of Alameda's designated truck routes would be affected by construction of these projects, it is assumed that detours or other appropriate traffic controls would be implemented by the City of Alameda, and the Proposed Project's construction trucks would abide by these controls.

In addition, the Alameda County Transportation Commission is currently working to advance the Oakland Alameda Access Project. This project involves multimodal safety improvements and changes to arterial roadway operations that will reduce freeway impacts on the local community. The project includes improvements to the Webster and Posey tubes. The Oakland Alameda Access Project is currently scheduled to complete construction by spring of 2029.[8] Construction at the Alameda Site for the Proposed Project would not begin until the spring of 2028; therefore, it is anticipated that construction of the Proposed Project at the Alameda Site and construction of the Oakland-Alameda Access Project could overlap for a period of approximately 12 months. During construction of the Oakland-Alameda Access Project, heavy-duty truck access in the Webster and Posey tubes may be restricted; however, even if the City of Alameda's designated truck route was limited to the Park Street Bridge, the Proposed Project's maximum construction ADT would result in less-than-significant impacts to roadway capacity along designated truck route segments, as discussed under Impact TRA-1 and Table 3.14-6 in the Draft EIR. Furthermore, as described under response to comment Ala-130, the Proposed Project has been modified in this Final EIR to reduce truck trips in Oakland and Alameda, which further reduces the already less-than-significant impact to roadway capacity along designated truck routes. Discussion of the Oakland Alameda Access Project has been incorporated into the cumulative impact analysis in Chapter 4 of this Final EIR. Addition of this project did not change the findings of the cumulative impact analysis. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Ala-135 Response:

As explained in Draft EIR Section 3.14.3 under Approach to Analysis, Traffic Methodology and Assumptions, the Proposed Project would not generate any new vehicle trips during operations, and therefore no road degradation would occur. With respect to construction trips, as noted elsewhere, the trucks would use routes designated by the City of Alameda as truck routes, and construction would be temporary—that is, only for the period of time necessary to complete the Proposed Project. The "burden on the City of Alameda's transportation network" is an economic effect, not an environmental impact. The suggested mitigation measure confirms this by simply asking for a financial contribution. As economic effects are beyond the scope of CEQA except to the extent that they cause environmental impacts, this is not an issue with the Draft EIR or its analysis or mitigation of environmental impacts. This is consistent with the City of Alameda's own General Plan EIR, which does not identify roadway degradation as an environmental impact

[8] Alameda County Transportation Commission. 2025. Project website for the Oakland Alameda Access Project: Available online at: https://www.alamedactc.org/programs-projects/highway-improvement/oakland-alameda-access-project. Accessed March 31, 2025.

under CEQA even though the General Plan contemplates cumulative impacts of trucks and pedestrian traffic over a much longer time period—at least through 2040.

Furthermore, even if a regular inspection schedule were established, it would not be possible to attribute any observed damage to the Proposed Project because there would be no way to determine whether observed damage was caused by the Proposed Project or other truck and vehicle traffic sources, given the truck routes serve numerous other existing and planned developments, including those noted or referred to as part of City of Alameda comment Ala-95, Ala-96, Ala-123, and Ala-134. Therefore, this suggested mitigation measure was not incorporated into this Final EIR.

Ala-136 Response:

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. The Proposed Project has been revised in this Final EIR to reflect that material destined for a Class II (nonhazardous) landfill would be transported by barge to the Montezuma Wetlands Restoration Project, where it would be offloaded and put on trucks for transport to the Potrero Hills Class II permitted landfill, which is 17 miles from Montezuma Wetlands, instead of being transported by truck from the Proposed Project sites to the Keller Canyon landfill. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 9: Biological Resources and Water Quality for additional information.

Ala-137 Response:

The Port acknowledges the City of Alameda's suggestions for transportation mitigation.

As noted under response to comment Ala-134, at its closest point, the proposed bicycle/ pedestrian bridge (i.e., Oakland Estuary Alameda Bridge) could be 1,500 feet east of the Proposed Project's construction area eastern limit. With the exception of the Webster and Posey tubes, the proposed bicycle/pedestrian bridge is not in close proximity to any of the truck routes proposed for use by the Proposed Project. There is no pedestrian or bicycle access in the Webster Tube. Although it is possible to walk or bike through the Posey Tube via a narrow strip hugging the eastern side of the tube; it is not wide enough for two cyclists to cross without dismounting, and there are signs instructing cyclists to walk their bikes. This example mitigation measure would, therefore, not contribute to reducing the Proposed Project's impacts and the suggestion was not incorporated into this Final EIR.

Furthermore, and more importantly, as noted under response to comment Ala-133, the Draft EIR determined that the Proposed Project's impacts on local roadway, bicycle, and pedestrian circulation would be reduced to a less-than-significant level with implementation of a Traffic Control Plan as required by Mitigation Measure TRA-1, and the transportation mitigation does not itself cause any significant and unavoidable impacts; therefore, no additional or alternative mitigation is required.

Ala-138 Response:

As noted under response to comment Ala-134, a water shuttle between Alameda Landing and Jack London began service in July 2024; therefore, funding is no longer required to develop this service. Similar to the proposed bicycle and pedestrian bridge discussed above as part of response to comment Ala-137, the shuttle service is 1,500 feet east of the Proposed Project and not in close proximity to any of the truck routes proposed for use by the Proposed Project, except for the Webster and Posey tubes. This example mitigation measure would, therefore, not contribute to reducing the Proposed Project's impacts and the suggestion was not incorporated into this Final EIR.

Furthermore, and more importantly, as noted under response to comment Ala-133, the Draft EIR determined that the Proposed Project's impacts on local roadway, bicycle, and pedestrian circulation would be reduced to a less-than-significant level with implementation of a Traffic Control Plan as required by Mitigation Measure TRA-1, and the transportation mitigation does not itself cause any significant and unavoidable impacts; therefore, no additional or alternative mitigation is required.

Ala-139 Response:

The Port has reviewed and considered the City of Alameda's suggested edits and new mitigation measures, as responded to more specifically below. Where appropriate, suggested revisions have been partially incorporated in Mitigation Measure TRA-1.

As explained under response to comment Ala-33, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's Traffic Control Plan. The Port would make the Traffic Control Plan available to the public by posting it on the project website. During construction, the Port would document compliance with mitigation measure truck trip limitations as part of its Mitigation Monitoring and Reporting Program and would make this documentation available on request. The remaining suggested revisions are nonsubstantive, and would not reduce any significant and unavoidable impact. The City of Alameda's proposed revisions, therefore, are not incorporated into Mitigation Measure TRA-1.

Ala-140 Response:

The Proposed Project does not include any closures of roadways or bicycle and pedestrian facilities that would impact connectivity to the Bay and recreational uses; therefore, adding text to mitigate for such impacts is not warranted.

Ala-141 Response:

As explained under response to comment Ala-33, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's Traffic Control Plan, nor would the proposed mitigation reduce any significant and unavoidable impact. The City of Alameda's proposed revisions, therefore, are not incorporated into Mitigation Measure TRA-1.

Ala-142 Response:

The suggested measure would not reduce any significant and unavoidable impact and therefore is not incorporated. Nonetheless, Mitigation Measure TRA-1 in the Draft EIR included text for

providing advance written notification of neighboring residents, businesses, and other property owners, as well as the Cities of Oakland and Alameda and key stakeholders of any substantial increases in construction traffic. In consideration of comments received on the Draft EIR, Mitigation Measures TRA-1 has been modified in this Final EIR to include a designated point a contact for addressing inquiries and complaints pertaining to constructed-related traffic. Additionally, Mitigation Measure TRA-1 has been revised to state the Traffic Control Plan will include measures for making information regarding the Proposed Project's schedule and associated truck traffic available to the City of Alameda and other interested parties as well as to the public by posting on the project website. Note that the Proposed Project does not include any travel lane closures of roadways or bicycle and pedestrian facilities.

Ala-143 Response:

As explained under response to comment Ala-33, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's Traffic Control Plan. The City of Alameda's proposed revisions, therefore, are not incorporated into Mitigation Measure TRA-1. The Port would make the Traffic Control Plan available to the public by posting it on the project website. During construction, the Port would document compliance with mitigation measure truck trip limitations as part of its Mitigation Monitoring and Reporting Program and would make this documentation available on request.

The suggested measure would not reduce any significant and unavoidable impact and is not incorporated.

Ala-144 Response:

The following City of Alameda requested additions to the identified content of the Traffic Control Plan were measures already addressed in the Draft EIR mitigation language: maintaining safety for bicyclist and pedestrians; identification and enforcement of designated truck routes; maintaining emergency access; and notifications of nearby residents, businesses and property owners. As explained under response to comment Ala-33, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's Traffic Control Plan; therefore, the suggested addition for truck route enforcement compliance monitoring reporting to the City of Alameda Department of Transportation and Public Works was not incorporated.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site. This equates to a 54 percent reduction in total construction truck trips from the Proposed Project in Oakland and Alameda as outlined in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information. With this project modification, the maximum number of daily truck trips for the Alameda Site is reduced to approximately 60 round trips, or 120 one-way trips (i.e., maximum ADT for dump truck trips), which a 68 percent reduction from the dump truck maximum ADT of 380 for the Alameda Site reported in the Draft EIR. This reduced maximum number of truck trips (60 round trip/120 one-way) is anticipated to occur for approximately 23 weeks during warehouse demolition and Class 1 material hauling. During pile hauling activities, the maximum

number of daily truck trips for the Alameda Site would be 16 round trips (32 one-way trips) for 21 weeks. For 42 weeks (approximately 10 months) of the total 20-month construction duration in Alameda, there would be zero to 10 round trips per day from trucks. The Draft EIR found the Proposed Project's impacts on overall circulation, including traffic, transit, bicycle, and pedestrian routes, safety, and emergency access, to be less than significant with mitigation; these effects would be further reduced with the reduction of truck trips at the Alameda Site as noted above. No additional mitigation is required to reduce this impact; therefore, the following City of Alameda's suggested additions were not incorporated into Mitigation Measure TRA-1: guidance on the number of trucks per day entering and leaving the construction sites, arrival and departure times to minimize traffic impacts, and limitations on construction activities during peak/holiday weekend and special events.

In consideration of the City of Alameda's comments, Mitigation Measure TRA-1 has been revised to include identification of construction staging areas.

In consideration of the City's comments, Mitigation Measure TRA-1 also has been revised to state the Traffic Control Plan will include a measure for making information regarding the Proposed Project's schedule and associated truck traffic available to the City of Alameda and other interested parties, which would include proponents of other projects, as well as to the public by posting on the project website.

The Proposed Project does not propose any traffic obstructions that would interfere with emergency evacuation events; therefore, this proposed measure was not incorporated.

As explained above under response to comment Ala-135, monitoring haul routes for damage from the Proposed Project's truck traffic is not incorporated.

Ala-145 Response:

Mitigation Measure TRA-1 states that the Traffic Control Plan would include designated construction worker parking locations and management plan. This could include carpool/vanpool programs from designated public rideshare areas as well as leased parking in remote/off-site parking facilities; therefore, the suggested performance standard limiting construction employee parking to lots owned or leased by the Port was not incorporated.

The following City of Alameda suggested performance standards for the Traffic Control Plan address items that are not identified as potential impacts of the Proposed Project or proposed elements of the Traffic Control Plan, and therefore establishing performance measures for them is not warranted: staging on adjacent streets, closures on Main Street on peak activity days, monitoring traffic at major intersections, and placement of construction-related obstructions in the right-of-way.

As explained above under response to comment Ala-135, monitoring haul routes for damage from the Proposed Project's truck traffic is not incorporated and therefore no performance standard for such a measure is established. Please also refer to discussion in response to comment Ala-144 describing how the Proposed Project has been modified to reduce truck trips in Alameda and Oakland in response to comments received on the Draft EIR.

Ala-146 Response:

Please refer to response to comment Ala-28, which identifies dates the Port has met with the City of Alameda to discuss the Proposed Project.

Exhibit A, Attachment 1

Ala-147 Response:

As noted in response to comment Ala-3, the Integrated Feasibility Report/Environmental Assessment is a separate document developed by the USACE, the NEPA lead agency, and is not subject to the Port's authority. The Port responses to comments included in this document are in response to comments received regarding the Draft EIR. The comments included in the Exhibit A, Attachment 1 pertain to the Integrated Feasibility Report/Environmental Assessment and the Proposed Project's compliance with NEPA, and do not include comments that pertain to the Draft EIR analysis or the Draft EIR's sufficiency as it pertains to Proposed Project compliance with CEQA.

Exhibit A, Attachment 2

Ala-148 Response:

Because the 2013 ENGEO Report does not include any individual comments pertaining to the Draft EIR analysis or its sufficiency as it pertains to CEQA compliance, the Port need not respond to each assertion therein. Furthermore, the 2013 ENGEO Report investigated an area that is outside the Proposed Project area. The Proposed Project area is approximately 0.3 mile east of the closest boundary of the area investigated in the 2013 ENGEO Report, and the nearest geotechnical boring conducted along the Alameda shoreline is approximately 0.5 mile west of the Proposed Project. The nearest inland geotechnical boring is also approximately 0.5 mile southwest of the Proposed Project. For engineering design drawings, only site-specific data can be used to inform design. Findings from the ENGEO Report do not provide either sufficient information to assess the existing conditions of the Proposed Project in terms of the analyzing the Proposed Project's impacts on geology/soils or hydrology and water quality, or engineering design.

Exibit A, Attachment 3

As Exhibit A, Attachment 3, the City of Alameda provided a letter from Ninyo & Moore containing comments on geotechnical issues in the Draft EIR.

Ala-149 Response:

Comment noted.

Ala-150 Response:

Refer to responses to comments Ala-15, Ala-42, Ala-59, Ala-60, Ala-66, and Ala-67. The Draft EIR discloses existing conditions in and adjacent to the Proposed Project area, including the area of the Alameda shoreline where the Proposed Project is located, and analyzes the Proposed Project's potential to exacerbate site-specific conditions, including seismic hazards and sea level rise in Sections 3.7, Geology/Soils and 3.9, Hydrology/Water Quality, respectively. As described above under response to comment Ala-56, the Proposed Project area is not included in the 2014 MIP or analysis, rather only the portions of Alameda shoreline west of Main Street are included in the 2014 MIP, as amended in 2020. Therefore, the analysis referenced in the City of Alameda's comment pertaining to this report is not relevant to the Proposed Project.

As described above in comment Ala-15 and Ala-59, the Draft EIR Geology/Soils Section (3.7) considers relevant and appropriate setting information, including the Geotechnical Appendix

prepared by the USACE for the Oakland Harbor Turning Basins Widening Revised Draft Integrated Feasibility Report and Environmental Assessment, as well as the references listed in Chapter 8 to understand existing conditions of the area.

The Proposed Project properly described the area of the Alameda Shoreline where the Proposed Project is located; the Proposed Project is not required to describe the "existing deteriorated condition of the Alameda shoreline along the entire Inner Harbor Channel…" because this is outside the scope of the Proposed Project area. The Draft EIR appropriately focuses on describing existing conditions at areas that may be affected by the Proposed Project in its vicinity, because the purpose of describing the existing environmental setting is to provide an understanding of a project's impacts. (Refer to CEQA Guidelines, § 15125(a).)

The ongoing deterioration of shorelines discussed in the comment is not caused by the Proposed Project. The setting is described to the extent it is relevant to the Proposed Project and its environmental effects, but CEQA only requires an analysis of how a project might exacerbate existing hazards. The analysis of the Proposed Project's impacts to soil stability, including how it contributes to existing soil stability conditions, is undertaken in Impacts GEO-1 and GEO-3. As stated therein, the impact would be less than significant. The new bulkheads would be similar to those previously constructed, and therefore, would be similar to existing conditions. Furthermore, an in-water bulkhead would also be proposed in the northwestern portion of the IHTB to ensure that the widening does not compromise the shoreline stability at Radius Recycling (Schnitzer Steel). This Final EIR also includes Mitigation Measure GEO-1, which will help ensure final design sufficient maintain soil stability and structural integrity.

The comment's focus is on areas that are more than a mile from the IHTB, in areas that would not be affected by the Proposed Project, and it does not identify any information relevant to the Draft EIR that has been omitted.

Ala-151 Response:

As discussed in response to comment Ala-60, the Proposed Project is not anticipated to exacerbate the risk of sea level rise–induced flooding. The Draft EIR Hydrology/Water Quality impact analysis (Section 3.9.4) under Impact HYD-4 regarding flood hazard, tsunami, or seiche zones, and inundation concluded that the Proposed Project is unlikely to result in hydrodynamic changes that would substantially change inundation during sea level rise. Impact HYD-4 also stated that there may be minor, permanent alterations to upland drainage patterns at the Alameda Site associated with upland excavation and reconfiguration of the facility shoreline (e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters), but these are not anticipated to affect flood hazard. Please also refer to responses to comments Ala-42, Ala-59, and Ala-61.

Ala-152 Response:

Regarding the engineering analysis performed for the Proposed Project, please refer to response to comment Ala-15. In response to comments regarding the currently proposed concept for shoreline protection and potential for impacts from sea level rise, refer to response to comment Ala-60, which discusses the Proposed Project's potential to exacerbate existing conditions related to sea level rise and the sufficiency of the proposed design elevation for the replacement bulkhead walls.

Ala-153 Response:

Comment summarizing the commentor's understanding of the Proposed Project is noted.

Ala-154 Response:

The commenter asserts that observed conditions and deterioration along the Alameda/Alameda Point shoreline are mainly due to a combination of wave action from vessel wake and propeller wash from large ships, ferries, and tugboats maneuvering/transiting the channel; however, in asserting that shoreline conditions would continue to deteriorate more with more frequent visits by larger vessels, the commenter has not provided evidence as to what extent current large vessel visits have contributed to shoreline deterioration compared to other vessels that use the channel, or how more frequent visits by larger vessels would result in increased deterioration. As it notes, the deterioration is due to ongoing conditions and activities that are not impacts of the Proposed Project.

These impacts of the Proposed Project are evaluated under Impact GEO-3 in the Draft EIR and are found to be less than significant. The comment's statements regarding ongoing deterioration and impacts of the environment are noted.

Ala-155 Response:

Regarding the retaining structure constructed as part of the widening of the IHTB in 2009, the bulkhead is composed of a sheet pile wall with a concrete pile cap. The bulkhead itself extends below the depth of the turning basin and riprap was installed in front of the bulkhead. Please note that the Proposed Project includes approximately 6 acres of the 19 acres of private property in Alameda that would be excavated and dredged as part of the Proposed Project. Additional areas would also be used for construction staging. The entirety of the 19 acres of property would not be encroached on. Because these statements do not contain specific comments regarding the adequacy of the Draft EIR, no further response is provided.

Ala-156 Response:

Comment noted. The referenced 1999 report by SCI was used to inform the design and construction of the existing IHTB (which was both deepened and widened), the Inner Harbor Channel which was deepened, and other areas that were improved as part of the -50-Foot Project that was completed in 2009. The design of the existing IHTB considered the condition of the existing shoreline; therefore, the bulkhead itself was an identified mitigation measure that was selected as opposed to having a waterfront cut slope with no slope retaining structure. The bulkhead was designed to address slope stability issues, including seismic design criteria, as well as design standards set forth by the USACE. Similarly, the 2013 report by ENGEO included information from the 1999 report by SCI and analyzed areas outside of the Proposed Project area. Because these statements do not contain specific comments regarding the adequacy of the Draft EIR, no further response is provided.

Ala-157 Response:

Commenter inaccurately associates the Proposed Project and the corresponding accommodation for large vessels (ships), which notably already call the Port today with an exacerbation of shoreline deterioration. Commenter's claim is fundamentally flawed in two main respects. First, as presented in Section 3.1.1, Baseline Environmental Conditions, Future Operational Baseline for Vessel Calls, large vessels will continue to call the Port with and without the Proposed

Project. Therefore, the Proposed Project does not allow or disallow large vessels. Instead, the Proposed Project increases the use of larger vessels to decrease the total number of container vessels required to service the same amount of cargo throughput; simply stated, a future with the Proposed Project is one with less vessels transiting the Oakland Harbor. Secondly, the slow speeds container vessels (all sizes) transit in the Oakland Harbor do not result in significant wave and/or current action. Speeds are even further reduced (nearing zero), while a vessel is maneuvering (e.g., turning around in a turning basin). During a turning maneuver, a vessel is reoriented with the assistance of the vessel's bow thruster and support of tugboats, each of which can generate localized thrust currents. As can be observed, these thrust currents dissipate rapidly before reaching the shoreline. Furthermore, given that the Proposed Project increases the area available for thrust current dissipation, the risk of shoreline impacts from thrust currents is further reduced.

Ala-158 Response:

Please refer to responses to comments Ala-152 and Ala-156.

Ala-159 Response:

As noted in response to comment Ala-56, the Port is not aware of the commenter's reference to the "2009 study." As discussed in response to comment Ala-148, the 2013 ENGEO Report does not include the shoreline for the Proposed Project area. Please also refer to response to comment Ala-154.

Ala-160 Response:

The Draft EIR Geology/Soils Section (3.7) includes a detailed analysis of the potential for Proposed Project activities (including those required for widening the IHTB) to result in adverse impacts, including those related to increased risk of shoreline stability, landslide, lateral spreading, subsidence, liquefaction or collapse, and expansive soils, among other related impact criteria. As described in response to comment Ala-59, the Draft EIR Geology/Soils Section (3.7) identifies relevant and an appropriate level of detailed information to establish existing conditions of the shoreline. As discussed in response to comment Ala-42 and Ala-15, the Draft EIR impact analysis indicates under Impacts GEO-1, GEO-3, and GEO-4 that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards and ensure that the constructed facilities maintain seismic and slope reliability (refer to Mitigation Measure GEO-1). As discussed above, the geotechnical investigation would include advancing soil borings to characterize soil properties, and to provide engineers with information necessary to determine design features and construction measures that would minimize risk to structures and people due to seismic shaking and seismic-related ground failure, including liquefaction; landslide, lateral spreading, subsidence, liquefaction, or collapse; and expansive soils. The Proposed Project would comply with all seismic standards, requirements, and conditions contained in engineering design and construction-related codes, which would ensure structural integrity of built features and safe construction, and therefore would not result in increased risk of seismic or other geologic hazards from the constructed widened turning basins. Future maintenance dredging of the widened areas of the turning basins would be confined to the removal of loose sediment accumulated in the widened dredge prism and therefore would not result in increased risk of seismic or slope stability–related hazards, because it would not further expand the turning basins. The Draft EIR determined these

construction and operation impacts to be less than significant, and therefore no further mitigation is required.

Ala-161 Response:

In response to comments regarding potential for impacts from sea level rise, refer to response to comment Ala-60, which discusses the Proposed Project's likelihood to exacerbate existing conditions related to sea level rise, and the sufficiency of the proposed design elevation for the replacement bulkhead walls.

Ala-162 Response:

Comment noted. Because these statements do not contain specific comments regarding the adequacy of the Draft EIR, no further response is provided.

Ala-163 Response:

The comment does not provide any specific comment on the analysis in the Draft EIR, and the environment's impact on a project is not within the scope of CEQA unless the project exacerbates existing hazards.

The Draft EIR Geology/Soils Section (3.7) includes a detailed description of the regional setting, including disclosure of existing faults, seismically active areas, and existing potential for seismic-induced risks. As discussed above in responses to comments Ala-160 and Ala-15, the Draft EIR impact analysis indicates under Impact GEO-1 that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards, and ensure that the constructed facilities maintain seismic and slope reliability. As discussed above, the geotechnical investigation would include advancing soil borings to characterize soil properties, and to provide engineers with information necessary to determine design features and construction measures that would minimize risk to structures and people due to seismic shaking and seismic-related ground failure, including liquefaction; landslide, lateral spreading, subsidence, liquefaction, or collapse; and expansive soils. The Proposed Project would comply with all seismic standards, requirements, and conditions contained in engineering design and construction-related codes, which would ensure structural integrity of built features and safe construction, and therefore would not result in increased risk of seismic or other geologic hazards from the constructed widened turning basins. Nonetheless, this Final EIR adds Mitigation Measure GEO-1 to ensure that final design and constructure measures will maintain soil stability and structural integrity.

Ala-164 Response:

Regarding the reduction of the footprint of the existing wharf and the stability of the remaining warehouse structures, provisions of the California Building Code require the preparation of foundation and soils reports and other geotechnical reports that address site-specific conditions, potential hazards, and required methods and design parameters for remediating and protecting against potential seismic hazards. The Proposed Project would remove a portion of the warehouse structures and wharf, similar to the -50-Foot Oakland Harbor Navigation Project, which removed a portion of the northern warehouse and northwestern portion of the wharf, and the Proposed Project would not modify the portion of the wharf or its foundations below the

warehouse structures that would remain on the Alameda Site. Please also refer to response to comments Ala-15, Ala-66, Ala-160, and Ala-163.

Ala-165 Response:

Please refer to responses to comments Ala-15, Ala-42, and Ala-56.

Ala-166 Response:

Please refer to response to comment Ala-60, which discusses the Proposed Project's lack of potential to exacerbate existing conditions related to sea level rise and the sufficiency of the proposed design elevation for the replacement bulkhead walls.

Ala-167 Response:

Please refer to response to comment Ala-15.

Ala-168 Response:

Regarding the existing IHTB slopes and bottom, past topographic and bathymetric surveys, dredging plans, and geotechnical investigation reports were used to create cross sections for the IHTB to inform the channel design (Appendix B1: Channel Design of the USACE's Integrated Feasibility Report and Environmental Assessment); this includes a hydrographic survey performed in 2020. As discussed in the Draft EIR Geology/Soils Section (3.7), under Impact GEO-3, the proposed new bulkheads for Howard Terminal and the Alameda Site are similar to that constructed at the Alameda Site as part of the -50-Foot Project, and rock slope protection would be placed in front of the new bulkheads, similar to existing conditions. Lastly, the proposed in-water bulkhead in front of the Schnitzer/Radius Recycling Terminal in the northwestern portion of the IHTB would be designed to ensure that widening the IHTB does not compromise the shoreline stability at Schnitzer/Radius Recycling. As stated in previous responses, a site-specific geotechnical investigation (Mitigation Measure GEO-1) would be performed during the Proposed Project's pre-construction engineering and design phase to further refine the Proposed Project design to comply with applicable building code standards, and ensure that the constructed facilities maintain slope reliability.

As discussed in the Draft EIR Geology/Soils Section (3.7), under Impact GEO-2, landside portions of the Proposed Project where ground-disturbing activities would occur are fully paved, with fill material beneath. There is no topsoil in the Proposed Project construction footprint at Howard Terminal, the Alameda Site, and Berth 26; consequently, no effects on topsoil would occur. Construction staging would occur in paved areas and would not involve disturbance below the ground surface that could result soil erosion or loss of topsoil. Furthermore, preparation and implementation of a stormwater pollution prevention plan would include erosion and sedimentation controls such as silt fences, fiber rolls, wind erosion controls, and stabilized construction entrances/exits to reduce potential impacts from ground-disturbing construction activities associated with electrical infrastructure installation at Berth 26 and Howard Terminal, and the removal of land at Howard Terminal and the Alameda Site. With implementation of proper erosion control measures, construction of the Proposed Project would not result in substantial soil erosion during construction.

Ala-169 Response:

As described in Chapter 2, Proposed Project Description, of the Draft EIR, design criteria for determining the width of a turning basin includes vessel length, space requirements for assist tugs working around the vessel, water movement, and safety considerations related to the interaction between environmental conditions (currents, waves, and wind) and the maneuvering vessel. The industry standard for turning basins is to provide a minimum of 20 percent of the vessel's length on either side (bow and stern) as a buffer for impacts, such as propeller wash and scour (San Francisco Bar Pilots 2023a). The purpose of the Proposed Project is to increase the width of the existing turning basin so that it will accommodate the minimum 20 percent industry standard for larger vessels and comply with specific restrictions in place for all vessels (San Francisco Bar Pilots 2023b). Additional analysis related to propeller wash and scour from tugboats is therefore unwarranted, particularly because the Proposed Project is replacing (and improving) existing shoreline protection and bulkheads in the IHTB, and the use of tugs in the Inner Harbor is an existing condition involving ongoing operations. The Proposed Project would not increase operational tug use nor the potential for wash or scour in the Inner Harbor Channel.

Ala-170 Response:

As discussed in response to comment Ala-15 and Ala-42, the Draft EIR impact analysis indicates under Impacts GEO-1, GEO-3, and GEO-4 that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards and ensure that the constructed facilities maintain seismic and slope reliability. The required geotechnical investigation would involve analysis for protection of the slope and the recommendation of measures, such as riprap. As discussed above, because performance of a site-specific geotechnical investigation is already required to design, permit, and construct the Proposed Project in accordance with existing code and regulations, the geotechnical investigation does not need to be identified as a CEQA mitigation measure. Nonetheless, this Final EIR adds Mitigation Measure GEO-1 at the commenter's request as a precaution.

Ala-171 Response:

As discussed in response to comment Ala-15 and Ala-42 (including Mitigation Measure GEO-1), the Draft EIR impact analysis indicates under Impacts GEO-1, GEO-3, and GEO-4 that during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be performed to inform the design and engineering required to comply with applicable building code standards and ensure that the constructed facilities maintain seismic and slope reliability. At base, and as verified by the observed performance of the existing bulkhead and channel, the Proposed Project is not expected to change the underlying conditions in the navigation channel.

For operations and maintenance, the USACE currently conducts annual hydrographic surveys using multibeam echosounder methods that include the Inner Harbor Channel and the IHTB to assist in planning for maintenance dredging activities. It is expected that such surveys would continue after the Proposed Project.

Ala-172 Response:

As far as routine maintenance involving the inspection of bulkheads, as identified in the comment, it is expected that the bulkhead would be visually inspected above and below water at

an interval not to exceed 3 years, which is consistent with ongoing maintenance required for the existing bulkheads at the Seaport. The commenter has not provided substantial evidence to support why the existing, and required, interval frequency is not sufficient.

Ala-173 Response:

Please refer to response to comment Ala-60.

Ala-174 Response:

Please refer to responses to comments Ala-15 and Ala-156.

Ala-175 Response:

Please refer to responses to comments Ala-15, Ala-42, Ala-56, and Ala-164.

Ala-176 Response:

Please refer to responses to comments Ala-15, Ala-42, Ala-59, and Ala-60.

Ala-177 Response:

CEQA guidelines section 15126.6(a) provides that "An EIR shall describe a range of reasonable alternatives to the project, or location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." As discussed in Section 5.1, CEQA Requirements for Alternative Evaluation, of the Draft EIR, the EIR is not required to consider every conceivable alternative to a project. In particular, the purpose of presenting a range of alternatives compared with a proposed project is to focus on those alternatives that can reduce or eliminate the significant effects identified in an EIR (CEQA guidelines section 15126.6). As discussed in the Draft EIR and responses to the City of Alameda's comments above, the Proposed Project's design, including its bulkhead wall design at the IHTB, was determined to result in less-than-significant impacts related to the stability of soils, and sufficient for predicted sea level rise. Therefore, alternative bulkhead designs would not be necessary.

Ala-178 Response:

Contrary to the commenter's suggestion, the Draft EIR discloses existing conditions that exist in the Proposed Project area, including those of the Alameda shoreline, and analyzes the Proposed Project's potential to exacerbate site-specific conditions, including seismic hazards in Sections 3.7, Geology/Soils.

A cumulative impact is an impact caused when a proposed project combines with other past, present, and probable future projects (CEQA Guidelines Section 15130[a][1]). As discussed in Section 4.8, Geology/Soils, of the Draft EIR, the geographic scope of analysis for cumulative geologic impacts is limited to the Proposed Project landside sites and the area immediately adjacent to these sites. This is because impacts relative to geologic hazards are generally site-specific. For example, the effect of erosion would tend to be limited to the localized area of a project and could only be cumulative if erosion occurred as the result of two or more adjacent projects that spatially overlapped. In addition, impacts relative to geologic hazards are generally time-specific. Geologic hazards could only be cumulative if two or more geologic hazards occurred at the same time, as well as overlapping at the same location.

As discussed in the Draft EIR, the Proposed Project would have less-than-significant impacts related to seismic hazards, unstable geologic units and soils, and expansive soils. New bulkheads to be installed as part of the Proposed Project would comply with all applicable building code and engineering regulations, including seismic standards. Of the reasonably foreseeable future projects, only the proposed Oakland Waterfront Ballpark District at Howard Terminal is immediately adjacent to the Proposed Project, and as mentioned by the City of Alameda in their comments, this project is no longer being pursued. As described in the Draft EIR, cumulative effects related to seismic and other geologic hazards would be less than significant. Even so, the Ballpark would similarly have addressed site-specific geologic conditions and would not be expected to impact the bulkhead along the City of Oakland.

Ala-179 Response:

Please refer to response to comment Ala-150.

Ala-180 Response:

Please refer to response to comment Ala-60, which discusses the Proposed Project's potential to exacerbate existing conditions related to sea level rise and proposed replacement bulkhead walls, and the sufficiency of the proposed design elevation for the replacement bulkhead walls.

Ala-181 Response:

Please refer to responses to comments Ala-15, Ala-42, Ala-59, and Ala-60. The Draft EIR and responses to comments provide an appropriate level of detail describing the design concept for the proposed project bulkhead sufficient to demonstrate its effectiveness in informing the geotechnical analysis and conclusions. The EIR is an informational document for use by governmental agencies and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the proposed action, and identifying possible ways of reducing or avoiding the potentially significant impacts; and use by a lead agency in their decision to approve, disapprove, or modify the Proposed Project. As discussed in the Draft EIR, during the Proposed Project pre-construction engineering and design phase, a site-specific geotechnical investigation would be required for compliance with applicable building code standards, performed to inform and advance the design and engineering. A geotechnical investigation would entail the drilling of soil borings to characterize soil properties, and to provide engineers with information necessary to confirm final design features and construction measures to minimize risk. Because it proposes to replace existing shoreline protections and bulkheads, the Proposed Project is not expected to exacerbate seismic or related geologic hazards of existing shoreline infrastructure. Nonetheless, this Final EIR adds Mitigation Measure GEO-1 to ensure that the new shoreline protection and bulkheads retain or improve shoreline soil stability and structural integrity.

Ala-182 Response:

Please refer to response to comments Ala-177 and Ala-60.

Exhibit A, Attachment 4

Ala-183 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for discussion of mitigation measures proposed by commenters for air quality impacts. Additionally, refer to responses to comments Ala-104 through Ala-107.

Ala-184 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for discussion of mitigation measures proposed by commenters for air quality impacts.

In response to comments related to Mitigation Measure AIR-2, refer to responses to comments Ala-108 through Ala-109.

Ala-185 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for discussion of mitigation measures proposed by commenters for air quality impacts.

In response to comments related to Mitigation Measure AIR-3, as discussed in Global Response 7: Air Quality Mitigation Measures, it is suggested that all construction staging facilities be sited at least 1,000 feet away from the nearest sensitive receptor. This is infeasible, because even some of the land to be excavated is closer than 1,000 feet from some of the sensitive receptors noted. Therefore, the Proposed Project could not be undertaken while incorporating the suggested mitigation measure. The City of Alameda suggested that the Port require installation of air filters at sensitive receptors within a 600-foot radius of the turning basin and all construction areas. The Port does not have authority to require third parties to implement mitigation measures, including installation of air filters in privately owned buildings.

Ala-186 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for discussion of mitigation measures proposed by commenters for air quality impacts.

In response to comments related to Mitigation Measure AIR-1, refer to responses to comments Ala-105 through Ala-107. In response to comments related to Mitigation Measure AIR-2, refer to responses to comments Ala-108 through Ala-109. In response to comments related to Mitigation Measure AIR-3, refer to response to comment Ala-185.

Ala-187 Response:

Please refer to response to comment Ala-117.

Ala-188 Response:

Please refer to response to comment Ala-118.

Ala-189 Response:

Please refer to response to comments Ala-114, Ala-117, and Ala-119.

Ala-190 Response:

Please refer to response to comment Ala-120.

Ala-191 Response:

Please refer to response to comment Ala-121. In consideration of comments received on the Draft EIR, the Port has modified Mitigation Measures NOI-1A and NOI-1B in this Final EIR to include a designated point of contact for noise complaints and additional information on notifying nearby property owners and residents regarding the timing and nature of construction activities.

Ala-192 Response:

Please refer to response to comment Ala-121. In consideration of comments received on the Draft EIR, the Port has modified Mitigation Measures NOI-1A and NOI-1B in this Final EIR to include a designated point of contact for noise complaints and additional information on notifying nearby property owners and residents regarding the timing and nature of construction activities.

Ala-193 Response:

Refer to response to comments Ala-122. The Port would document compliance with the mitigation measures adopted for the Proposed Project as part of its Mitigation Monitoring and Reporting Program. The noise mitigation measures as written in the Draft EIR were determined to be sufficient to reduce the Proposed Project's potentially significant noise impacts to Alameda sensitive receptors to a less-than-significant level, except for the significant and unavoidable impact during nighttime dredging to some of the Landing at Bay 37 residences. As described above, although exterior noise levels would exceed the City of Alameda's 50 dBA exterior nighttime standard at some of the Landing at Bay 37 residences, interior noise levels would be below the City of Alameda's 45 dB CNEL standard when accounting for standard building attenuation. Therefore, noise monitoring during construction is not proposed, and is not warranted. The Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's noise control measures.

Ala-194 Response:

Refer to response to comments Ala-115.

Ala-195 Response:

Although the comment offers new mitigation, it fails to explain why the impact is not sufficiently addressed or why such new mitigation is needed. As indicated in the Draft EIR under Impact NOI-2, groundborne vibration generated from pile driving and other activities associated with construction is predicted to be below applicable thresholds; impacts would less than significant, and no mitigation is required. Therefore, the City of Alameda's proposed vibration mitigation measure has not been incorporated into this Final EIR.

Ala-196 Response:

Please refer to responses to comments Ala-187 through Ala-195.

Ala-197 Response:

Please refer to responses to comments Ala-137 through Ala-145.

Ala-198 Response:

Please refer to response to comment Ala-135.

Ala-199 Response:

Please refer to response to comments Ala-136.

Ala-200 Response:

Please refer to response to comment Ala-137.

Ala-201 Response:

Please refer to response to comment Ala-138.

G.5.1.10 Housing Authority of the City of Alameda (AlaHA)

AlaHA-1 Response:

The Port recognizes the Housing Authority's contributions in providing quality, affordable, and safe housing to low-income families, seniors, and vulnerable members of the community. Regarding the Housing Authority's concerns on air, noise, and construction duration, please refer to responses to comments AlaHA-2 through AlaHA-4.

AlaHA-2 Response:

Refer to Global Response 7: Air Quality Mitigation Measures for a discussion of mitigation measures proposed by commenters for air quality and GHG impacts. Dredged material is wet and would not be expected to generate fugitive dust. Therefore, there would not be an increase in fugitive dust from the dredged material. The majority of dredged material would be placed into scows and transported to the Montezuma beneficial reuse or its material rehandling facility. All dredged material is anticipated to be classified as Class II (nonhazardous) or meet the criteria for placement at a beneficial reuse site. Dredged material considered Class II (nonhazardous) would be barged to Berth 10 or the Montezuma rehandling facility prior to continued transport via truck to an appropriate Class II nonhazardous landfill. Therefore, no substantial increase into the air from the dredged material is anticipated.

The Alameda Housing Authority suggested pushing the removal of dredged material to the Oakland side of the Proposed Project and for the barges to be filled on the Oakland side. The Port declines to include this suggestion because it would result in an increase in air emissions to the already significant and unavoidable impact.

The Alameda Housing Authority suggested that air monitoring and soil testing be conducted at Estuary Park. However, monitoring would not actually mitigate impacts to air quality. As discussed in the Draft EIR, air quality impacts associated with construction, although temporary, would be significant and unavoidable. Soil testing was suggested to determine if there was deposition of air toxics into the soil that could potentially leave a long-term impact. There is no evidence to suggest any material deposition of toxic contaminants in soil would result from the Proposed Project. Most of the air toxics emitted as part of the Proposed Project are from the combustion of fossil fuel, including diesel fuel, renewable diesel fuel, and gasoline. The air toxics from fossil fuel combustion tends to be volatile organic compounds that would volatilize and disperse in the atmosphere before depositing on the ground, and would degrade naturally in

the soil over time. There are not any substantial amounts of long-lasting hazardous air toxics such as heavy metals and semi-volatile organic compounds in fossil fuels used for transportation and construction equipment, and the additional emissions related to the Project are nominal in comparison to emissions already occurring on a daily basis in and around the Port. Therefore, there is unlikely to be any long-term buildup of pollutants in the soil from airborne releases from combustion of fossil fuels in equipment and vessels used during the Proposed Project's construction. As discussed in the Draft EIR, some of the dredged material and excavated land may contain pollutants. Nonhazardous dredged material that is temporarily stored at Berth 10 for some drying before further transport for disposal would still have high moisture contents at the time of transport that would inhibit fugitive dust formation. Regarding landside excavated material, existing Land Use Covenants apply at both the Howard Terminal and Alameda Site under the regulatory jurisdiction of the Department of Toxic Substances Control (DTSC). Therefore, planned excavation activities would comply with existing LUCs and be conducted under DTSC review and approval to be protective of human health and the environment. Several fugitive dust control measures are in place to minimize the dispersal of fugitive dust from the Proposed Project site. For example, Mitigation Measure AIR-1: Construction Air Quality Mitigation requires soil piles to be watered twice per day and all haul trucks transporting soil, sand, or other loose material off site to be covered. These measures would minimize the potential for fugitive dust to be generated at the construction site or during truck transport of materials containing elevated pollutant concentrations. Please also refer to Global Response 7: Air Quality Mitigation Measures. For these reasons, the Port declines to include the suggestion to conduct air monitoring and soil testing.

The Alameda Housing Authority suggested providing upgrades to filtration systems at all residential buildings near the construction. The Port declines to add this suggestion because the Port lacks authority to require action by third parties not within the Port jurisdiction.

AlaHA-3 Response:

As discussed in Draft EIR Section 3.12.4 under Impact NOI-1, significant noise impacts during construction have the potential to occur in only two occasions: (1) during daytime pile driving or (2) during nighttime dredging. Neither impact is due to street traffic. Construction traffic noise was also evaluated in the Draft EIR and found to be potentially significant, and Mitigation Measure NOI-1C was proposed to reduce the impact to a less-than-significant level. In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in Oakland and Alameda from the Proposed Project construction truck trips in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information. With the reduction of truck trips in Oakland and Alameda as described in Global Response 4: Reducing Local Truck Trips, Mitigation Measure NOI-1C identified in the Draft EIR is no longer required and has been removed in this Final EIR.

Regarding pile driving, as noted in the Draft EIR, the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. on Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays. However, for the purpose of

the Draft EIR analysis, the Port applied the City of Oakland's 65 dBA construction standard for construction activity occurring over 10 days or more to receptors in Alameda. Had the Port applied the City of Alameda's Noise Ordinance, which exempts daytime construction activities Monday through Saturday, the unmitigated impacts from pile driving would not be considered significant. Applying the City of Oakland's construction standard, with implementation of Mitigation Measure NOI-1A, requiring the use of cushion blocks, there would not be significant noise impacts from pile driving to Alameda sensitive receptors.

Regarding nighttime dredging, as stated in the Draft EIR under Impact NOI-1, unmitigated construction noise levels from nighttime dredging operations would be below existing ambient nighttime noise levels at all receptors in Alameda, except for residential areas south of Mosley Avenue and planned multi-family residences at the Landing at Bay 37. With implementation of Mitigation Measure NOI-1B, requiring installation of a temporary noise barrier between the IHTB and Mosley Avenue residences, noise impacts during nighttime dredging would be reduced to less-than-significant levels for the Mosley Avenue residences. Construction of a barrier along the waterfront at the Bay 37 development would not be feasible because of the necessary height requirement to break the line-of-sight to receptors and secondary impacts related to aesthetics. There would be a residual impact to some of the Bay 37 residential units that would be significant and unavoidable related to exceeding the City of Alameda's 50 dBA exterior nighttime standard. Alameda's nighttime noise standard would only be exceeded during combined nighttime operation of the dredge and tug. During dredging operations, tugboats (the primary noise source for dredging) would be operated to either assist with anchor moves for the dredge barge or to haul scows in and out of the dredge area. There could be two to three anchor moves per day by smaller assist tugs, with each move requiring approximately 1 hour of tug operation. Larger tugboats would be used to haul scows in and out of the dredge area approximately every 12 hours, which would also result in approximately 1 hour of tug operation in the IHTB. Therefore, the combined operation of the dredge and tug would only occur for short periods each day during the 24-hour dredging operation, not all of which would occur during nighttime hours. Exceedances of Alameda's nighttime noise standard during nighttime dredging would only occur at Bay 37 residences within 725 feet of the dredging activity that are either: 1) first- and second-floor residences along the waterfront that would have direct line-of-sight to the dredging operation (which would exclude the residences closest to the Alameda Site warehouses because the warehouse structures would serve as a noise barrier for those residences); and 2) the first line of third floor residences within this distance with direct line-of-sight to the dredging activity. Nighttime dredging within 725 feet of these residences would occur intermittently over approximately 4 weeks during the 2029 in-water work window (June 1 – November 30). As noted under Impact NOI-1, Section 13 31.4(b) of the City of Alameda's Municipal Code establishes an interior CNEL standard with windows closed, attributable to exterior sources not to exceed 45 dB in any habitable room. Assuming a standard building attenuation level of 20 dBA (US HUD 2009), nighttime interior noise levels at the Bay 37 waterfront units would be at most 35 dB, which would equate to a CNEL value of 42 dB. Therefore, although exterior noise levels would exceed the City's 50 dBA exterior nighttime standard, interior noise levels would be below the City's 45 dB CNEL standard.

In consideration of comments received on the Draft EIR, the Port has modified Mitigation Measures NOI-1A and NOI-1B in this Final EIR to include a designated point of contact for

noise complaints and additional information on notifying nearby property owners and residents regarding the timing and nature of construction activities.

AlaHA-4 Response:

Landside construction and related truck trips are tied to the location of the Proposed Project. As described in the Draft EIR Chapter 5, Alternatives, several alternative footprints for widening the IHTB were developed and evaluated. These included two alternatives that avoided Alameda land impacts (Inner Harbor Variation 2 – Shifted North, and Inner Harbor Variation 6 – New Location Outside Middle Harbor), and one alternative that would have minimal Alameda land impacts (Inner Harbor Variation 4 – Non-Circular). As summarized in Draft EIR Table 5.4-1, these alternative footprints were eliminated from further consideration because they were determined to be infeasible for one or more the following reasons: site suitability, environmental considerations, economic viability, impacts to businesses (e.g., Radius Recycling and Bay Ship & Yacht Co.), reduced transit efficiency, and navigational limitations and safety considerations.

It is not feasible to condense the overall construction duration due to the required sequencing of construction activities needed to widen the IHTB. Condensing these activities into a shorter overall construction duration would require more activities to be conducted concurrently or longer work days/night work, both of which would exacerbate construction-related impacts related to air quality, noise, and traffic that the Housing Authority has already expressed concern over.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips for additional information.

Please also refer to responses to AlaHA-2 and AlaHA-3.

AlaHA-5 Response:

The Draft EIR evaluated alternatives that would minimize the scope of the Proposed Project, including widening of the IHTB only and widening of the OHTB only. As suggested by the comment, the OHTB only alternative would reduce some impacts but would fail to meet most project objectives. The comment is noted for consideration.

The proposed improvements and construction activities at the Alameda Site would be subject to DTSC review per a land use covenant that governs development activities at the Alameda Site. Further coordination with DTSC to facilitate compliance with the land use covenant would occur during the project pre-construction engineering and design phase, and the Proposed Project would comply with all applicable laws pertaining to worker and resident protection during construction. The applicability of this land use covenant to the Proposed Project, including necessary coordination with and approvals from DTSC, has been added in this Final EIR under the Hazards and Hazardous Materials Regulatory Setting, Section 3.9.2. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Please also refer to responses to comments AlaHA-2 through AlaHA-4.

AlaHA-6 Response:

Comment noted. Residents within 0.25 mile of the IHTB were noticed regarding the availability of the Draft EIR; please refer to Global Response 2: Community Engagement and Environmental Justice. The Housing Authority will be sent future notices regarding the Proposed Project EIR.

AlaHA-7 Response:

The Port hosted a public meeting in Alameda at the College of Alameda on November 14, 2023, during the Draft EIR public review comment period. Please refer to Global Response 2: Community Engagement and Environmental Justice for additional information on public engagement undertaken by the Port during the CEQA process. During project construction, the Port would make information regarding the construction schedule and activities available to the public by posting it on the project website.

G.5.1.11 Housing Authority of the City of Alameda – Sylvia Martinez (AlaHASM)

AlaHASM-1 Response:

Notification regarding the availability of the Final EIR will be sent to the Housing Authority's provided office address. Because the Port will also be sending notices regarding the availability of the Final EIR to all addresses within the 94501 zip code, a title search was not performed.

G.5.1.12 San Francisco Bay Conservation and Development Commission (BCDC)

BCDC-1 Response:

On December 21, 2023, BCDC voted to conditionally concur with the USACE's first phase consistency determination for the Proposed Project. On December 27, 2023, BCDC issued a Letter of Agreement that, as conditioned, the Proposed Project at the feasibility stage is generally consistent to the maximum extent practicable with the San Francisco Bay Plan, as amended.

BCDC-2 Response:

Please refer to Global Response 1: CEQA Process.

BCDC-3 Response:

The information in Draft EIR Sections ES.5 and 5.5.3 is correct. The Draft EIR considered an alternative using diesel dredges for widening of the IHTB and OHTB (Alternative 3) to reduce potentially significant impacts to energy.

BCDC-4 Response:

The comment states that based on Draft EIR Table 2.3-1, container vessels calling the Port would have a carrying capacity of 19,000 TEU with implementation of the Proposed Project. Although the design vessel for the Proposed Project has an estimated cargo capacity of 19,000 TEU, as outlined in Table 3.1-1, consistent with current Port operations, the Port expects to continue to receive calls from a mix of vessel sizes. Following implementation of the Proposed Project, vessels ranging in capacity from less than 2,800 TEU (SPX class) to greater than 15,0000 TEU (PPX4

class) are anticipated. Regarding the Port operations and carrying capacity following implementation of the Proposed Project, please refer to Global Response 5: Operational Impacts.

BCDC-5 Response:

BCDC states that the Seaport currently has 28 ship calls per week; the source of those data are unclear. In 2022 and 2023, the Seaport had an average of 16 and 19 ships calls per week, respectively. Although the Proposed Project would improve vessel transit efficiency, it would not increase the number of vessel calls to the Seaport. As shown in Draft EIR Table 3.1-1, with implementation of the Proposed Project, the number of vessel calls would decrease under the Proposed Project compared to the No Project. For example, under the Proposed Project, the Seaport would average 36 and 37 calls per week in 2040 and 2050, respectively; whereas under the No Project scenario, the Seaport would average 42 and 47 calls per week in 2040 and 2050, respectively. This is because fewer larger vessels would deliver the same amount of cargo to the Seaport under the Proposed Project. Please refer to Global Response 5: Operational Impacts for an explanation of why the Proposed Project would not result in increased cargo throughput at the Seaport.

BCDC-6 Response:

As a matter of practice, terminal operators independent of the Proposed Project are anticipated to continue to adapt to market demands by replacing and upgrading landside facilities to handle all sizes of container vessels calling, including the largest PPX4 category of vessels already calling the Port.

Refer to also Global Response 5: Operational Impacts for a discussion on truck and traffic congestion.

BCDC-7 Response:

Regarding the Port's zero-emission activities and their timing relative to the Proposed Project's 2027-2029 construction timeframe, please refer to Global Response 3: Zero-Emissions Seaport. The Port provides shore power infrastructure for calling vessels to all marine terminals.

BCDC-8 Response:

The volume estimates for the reuse categories are based on preliminary sediment quality data. The 454,400 cy of sediment currently planned as wetland cover material would provide approximately 3 feet of cover for 94 acres. It is possible that following sediment characterization, additional material would be found suitable for use as cover material. Regardless, the beneficial reuse site operators are responsible for managing the quantities of accepted foundation and cover material in accordance with the site’s capacity. Because beneficial reuse sites accept material from multiple sources, cover material from another project could be used in conjunction with foundation material from the Proposed Project. The Proposed Project is not required to provide sufficient cover material to cover provided foundation material.

BCDC-9 Response:

Beneficial reuse under the USACE’s future maintenance dredging of the widened turning basins would be the subject to the USACE’s maintenance dredging permits and associated environmental review because those activities are outside the scope of this Proposed Project. In October 2024, the USACE and San Francisco Bay Regional Water Quality Control Board published a Draft EA/EIR for the USACE’s maintenance dredging of the federal navigation

channels in San Francisco Bay for the years 2025-2034. The document analyzes different placement alternatives for dredged material from Oakland Harbor, including use of beneficial reuse sites. The document also outlines a USACE-wide policy goal ("Beneficial Use of Dredged Material Command Philosophy Notice") issued in 2023 for beneficially using at least 70 percent of its dredged material by 2030.

BCDC-10 Response:

As discussed under Impact GHG-1, the total Proposed Project construction would result in a one-time occurrence of 10,404 metric tonnes of CO_2e, which would only exist during the 3 years of construction. Typically, construction projects are amortized over the life of the project. As reported in the Draft EIR, operational emissions would result in a decrease compared to the future No Project Alternative. In addition to the net reduction in operation emissions, the beneficial reuse of dredged material has the potential to sequester carbon as outlined in the Draft EIR using a credible rate of carbon sequestration in wetlands supported by a scientific report on wetland sequestration (Charpentier 2010). Although the phasing of overall reduction in GHG emissions would happen over time, the Port included mitigation measure GHG-1 to include GHG reduction measures that are feasible for construction equipment and vehicles even though the analysis would still indicate a net reduction in GHG emissions without implementation of GHG-1, or the inclusion of wetland sequestration when amortized over the life of the project. Although the Draft EIR used a scientifically reported and reasonable carbon sequestration rate for estimating the amount of carbon that would be sequestered by the restored wetlands, as illustrated by the literature cited by the commenter, there is variability in the amount of annual carbon sequestration rates observed in various wetlands around the world, with some having lower sequestration rates and others having higher sequestration rates. The Draft EIR used a value that was based on a global average sequestration value. Even without the carbon sequestration considered, the overall GHG emissions when amortized over the life of the Proposed Project would result in a net decrease in GHG emissions. Therefore, although there may be some variation in the value used to estimate carbon sequestration, the overall conclusion of the Draft EIR remains valid in that, over the life of the Proposed Project, GHG emissions would result in a net decrease in GHG emissions.

Therefore, even without carbon sequestration, an amortized accounting of the construction and operation still results in a net reduction in GHG emissions, as presented in this Final EIR Section 3.8.4 Impact GHG-1.

BCDC-11 Response:

The commenter is correct that there may be one-time releases of GHG emissions when disturbing sediment and soil as part of the Proposed Project construction. This type of GHG emissions release is difficult to quantify and is speculative as to the amounts of GHG emissions released, and information to quantify this is not readily available. In addition, when discussing changes to land use and carbon sequestration, the Intergovernmental Panel on Climate Change typically is only interested in the net changes at steady state, and not temporary disturbances that then changes back to the same land use. This is why the creation of wetlands is quantified while other changes are not quantified. In this case, the soil that would be disturbed is part of a built industrial environment and typically is assumed to have no annual carbon sequestration. There would be a slight increase in dredged underwater areas in the turning basins that would be assumed to sequester similar amounts of carbon and nitrogen compounds as the dredged material that is being disturbed. If the values

reported for dredged material in the commenters reference number 8 (2023 Paranaiba, Jose R. et al) (14 tons CO_2e per 20,000 cubic meters) are used with the total amount of material listed in Table 2.5-3, the amount of GHGs would be 1,310 tons of CO_2e. This amount of GHGs is lower than the amount anticipated to be sequestered by the material by reusing it to restore wetlands, and when amortized with the construction emissions over the life of the Proposed Project, would still result in a reduction when compared to the No Project baseline.

BCDC-12 Response:

As stated in Draft EIR Section 4.9, GHG emissions are, by their nature, cumulative impacts; therefore, the cumulative analysis is the same as the discussion concerning project-level impacts. For a more detailed impact discussion and the considered measures under Mitigation Measure GHG-1, the commenter should refer to Section 3.8.4.

BCDC-13 Response:

Although the Proposed Project is not expected to "take" any species listed or proposed for listing under the California Endangered Species Act (CESA), the Draft EIR Table 2.6-1 indicates that an Incidental Take Permit from CDFW may be requested for the Proposed Project. Whether such a permit is needed will be determined by the Port in consultation with CDFW. In the Draft EIR Biological Resources Regulatory Setting (Section 3.4.2), CESA and the CDFW's role in issuing Incidental Take Permits are both described under state regulations. However, because the Proposed Project is entirely in tidally influenced areas of San Francisco Bay, a streambed alteration notification under Section 1602 of the Fish and Game Code is not required.

BCDC-14 Response:

Comment noted. A full sediment sampling and analysis would be prepared in close coordination with the Dredged Material Management Office (DMMO) during the pre-construction engineering and design phase. In addition, due to land use restrictions on both the Oakland and Alameda Site, the sampling and analysis plan would also be coordinated with DTSC, who has regulatory jurisdiction of these sites. Coordination with the DMMO was described in the Draft EIR project description (Section 2.5.4) as well as in the Biological Resources, Hazards and Hazardous Materials, and Hydrology/Water Quality Chapter 3 sections.

BCDC-15 Response:

As described in Draft EIR Sections 2.5.1 and 2.5.3, demolition activities at Howard Terminal and the Alameda Site are assumed to include removing and/or relocating existing utilities that would be impacted by the construction footprint, cutting and removing the pavement surface, and removing portions of the existing warehouse structures (Alameda Site only). The existing buildings predate the late 1970s regulatory bans on the use of hazardous building materials, such as asbestos, lead-based paint, and polychlorinated biphenyls (PCBs), and mercury. Surveys and testing of structures to be demolished would be conducted prior to demolition to identify if any hazardous building materials are present. As described in the Draft EIR Hazards and Hazardous Materials impact analysis (Section 3.9.4) under Impact HAZ-1, testing, handling, and removal of hazardous building materials would be conducted in accordance with federal, state, and local regulations.

BCDC-16 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

BCDC-17 Response:

As shown in Draft EIR Table 3.1-1, with implementation of the Proposed Project, the total number of vessel calls to the Seaport would decrease. Therefore, although there would be a greater proportion of larger ships, there would be fewer ships overall. Currently, the Port regularly receives ships from around the world under existing, baseline operations. The assertion that larger ships pose a greater risk than smaller ships to introduce invasive species is speculative. Therefore, the Proposed Project would not be expected to lead to the introduction of more invasive species to the Bay Area.

BCDC-18 Response:

Mitigation Measure BIO-1A states that silt curtains will be used when dredging within 250 meters of eelgrass beds. This is consistent with standard practices implemented during maintenance dredging. The Draft EIR finds that existing mitigation reduces this impact to a less-than-significant level. Therefore, no additional mitigation is required by CEQA, and additional monitoring of eelgrass during dredging (beyond pre- and post-construction monitoring) is not warranted.

BCDC-19 Response:

The Draft EIR stated that wildlife nursery sites are locations where fish or wildlife concentrate for hatching and raising young, such as nesting rookeries for birds and spawning areas for native fish. Wildlife nursery sites are areas where these activities occur on a larger scale to the extent that they are significant on a regional or population level; for example, the California least tern breeding colony at the former Alameda Naval Air Station in Alameda described in Draft EIR Section 3.4.1. Large eelgrass bands can serve as nursery sites; however, the patches of eelgrass that occur north of the OHTB are small (0.05 acre) and intermittent. Although they may be used by fish for spawning, these small patches are not of a magnitude to be considered wildlife nursery sites. Impact BIO-3 in this Final EIR has been revised to clarify the definition of a wildlife nursery site and why the eelgrass beds within 250 meters (820 feet) of the OHTB are not considered wildlife nursery sites. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

BCDC-20 Response:

The Draft EIR Biological Resources impact analysis (Section 3.4.4) under Impact BIO-1 indicated that 10 acres of terrestrial land would be permanently converted into intertidal or subtidal habitat as well as the conversion of shallow water to deeper water habitat from widening the IHTB and OHTB. The analysis also acknowledged that the newly dredged areas would be subject to regular disturbance from operation and maintenance dredging activity and is considered by the USFWS to be less valuable habitat. Although the benthic communities would be subject to regular disturbance from maintenance dredging, similar to the benthic communities in the existing maintained channel, it is still true that the conversion of terrestrial land to open water would create additional habitat for species, because aquatic habitat is not limited to benthic communities.

BCDC-21 Response:

The Draft EIR Biological Resources impact analysis (Section 3.4.4) under Impact BIO-1 indicated that impacts to shallow-water habitat at the IHTB and OHTB would be minimal because construction would be mostly confined to existing moderately deep waters or shoreline areas currently occupied by marine structures proposed for removal. In addition, construction would not

occur in waters adjacent to known California least tern colonies at the former Alameda Naval Air Station or known foraging and roosting habitat in the Middle Harbor Enhancement Area. Impact BIO-1 further noted that suitable foraging habitat for least tern is widely available outside the proposed construction limits, including along the southern Alameda shoreline and the Bay Farm borrow pits to the south of Alameda. Impact BIO-1 also described that turbidity plumes from dredging would be localized and would affect a relatively small area in relation to the surrounding areas of similar habitat, and would be quickly diluted to near or within background levels, similar to those from annual maintenance dredging. San Franciso Bay is naturally turbid, and in the Seaport area, propeller wash from vessel traffic contributes to elevated ambient turbidity levels. Least tern regularly travel around the Bay in search of prey; therefore, the temporary displacement of fish due to the incremental increase in turbidity from Proposed Project construction would not be expected to substantially impact least tern foraging activity, given the abundance of other suitable foraging habitat in the vicinity. Similarly, permanent deepening of an area of subtidal waters adjacent to the Outer Harbor Channel to widen the OHTB would not substantially impact least tern foraging, considering the abundance of other suitable foraging habitat in the vicinity and because least tern already regularly travel around the Bay in search of prey. Furthermore, the USFWS concurred with the USACE's Not Likely to Adversely Affect determination for least tern pursuant to Section 7 of the federal Endangered Species Act.

BCDC-22 Response:

When underwater noise interacts with bottom substrates and shorelines, some noise energy is reflected, but a large portion is also absorbed into the substrate. This interaction is complex and difficult to model. The underwater noise analysis in the Draft EIR uses the “practical spreading model” that is recommended for use by the National Marine Fisheries Service (NMFS), and commonly used by other agencies (such as Caltrans) for identifying the underwater noise effects of pile driving in shallow bays or other nearshore areas. Although the practical spreading model does not take into account reflected sound, there are also many aspects of the practical spreading model that tend to overestimate noise effects; for example, the model does not take into account the increased noise attenuation that occurs in shallow waters. Although the practical spreading model does not capture many nuances regarding the propagation of underwater noise, it is accepted by NMFS as being adequate to assess noise effects for pile driving for shoreline and waterfront projects in San Francisco Bay.

BCDC-23 Response:

Please refer to response to comment BCDC-21.

BCDC-24 Response:

On December 21, 2023, BCDC voted to conditionally concur with the USACE's first phase consistency determination for the Proposed Project. On December 27, 2023, BCDC issued a Letter of Agreement that, as conditioned, the Proposed Project at the feasibility stage is generally consistent to the maximum extent practicable with the San Francisco Bay Plan, as amended. The Letter of Agreement acknowledged that no public access was included in the first-phase consistency determination, but that the USACE and Port will continue to coordinate with the Commission on this issue and would propose public access amenities, if legally required, in the Port's BCDC permit application or USACE second-phase consistency determination. However, any future public access requirements will have to consider the nature of the difficulties and challenges of providing public access in restricted areas reserved for maritime uses, and whether

such access is required in light of the consistency of the Proposed Project with the designation of the property as a seaport priority use area.

BCDC-25 Response:

The Proposed Project would not restrict access to any landside recreational facilities, and therefore the Proposed Project does not include signage regarding the availability of other facilities. For in-water construction activities, as stated in the Draft EIR Transportation impact analysis (Section 3.14.4) under Impact TRA-3, the contractor would publish a Notice to Mariners including a description of project activities, work and start and end dates, vessel information, and the size and placement of construction equipment. The comment addresses impacts found to be less than significant for which no additional mitigation is required.

BCDC-26 Response:

Comment noted. The Seaport Plan was approved by the Office of Administrative Law effective May 14, 2024. This Final EIR has been updated to reflect the approved amended Seaport Plan. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

G.5.1.13 San Francisco Bay Regional Water Quality Control Board (RWQCB)

RWQCB-1 Response:

As noted in the comment, the Port is committed to beneficial reuse of all suitable excavated and dredged material, obtaining a water quality certification and coverage under the NPDES Construction General Permit, and coordinating with DTSC regarding Howard Terminal. The Port will also coordinate with DTSC regarding the Alameda Site, which is under a land use covenant subject to DTSC's jurisdiction.

RWQCB-2 Response:

The Port will be listed as a co-applicant with the USACE on permit applications to the Water Board.

RWQCB-3 Response:

Sampling and analysis of soil, sediment, and groundwater would be conducted during the Proposed Project pre-construction engineering and design phase, in coordination with the Water Board as necessary.

G.5.2 Organizations

G.5.2.1 350 Bay Area Oakland Hub (350BA)

350BA-1 Response:

Comment noted. Please refer to responses to comments 350BA-2 through 350BA-6.

350BA-2 Response:

Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of applicability of Oakland 2030 Equitable Climate Action Plan. For more information regarding effects on the West Oakland Community, refer to Global Response 2: Community Engagement and

Environmental Justice. Although the Oakland 2030 Equitable Climate Action Plan is not applicable to the Proposed Project, the Port of Oakland's 2020 and Beyond Plan outlines its actions to modernize the Seaport and head toward a zero-emission seaport. For more information on the activities of the Port toward zero emission, refer to Global Response 3: Zero-Emissions Seaport. For more information about mitigation measures implemented for the Proposed Project, refer to Mitigation Measure AIR-1 in Section 3.3.4 of the Draft EIR and Mitigation Measure GHG-1 in Section 3.8.4 of the Draft EIR. For a discussion on feasibility of other mitigation measures suggested by commenters, refer to Global Response 7: Air Quality Mitigation Measures. No specific mitigation is suggested by the comment that would reduce any significant and unavoidable impact of the Proposed Project.

350BA-3 Response:

The comment does not accurately describe the $102 million in CalSTA funding. These improvements are general to serving all classes of vessels that call the Seaport and are not specific to accommodating large vessels, increasing berth capacity, or to facilitating increased container throughput. This funding would support design of improvements to facilitate more efficient and safe handling of cargo at the Seaport. These projects include wharf improvements, transition of cargo handling equipment to zero-emissions equipment, and improvements to facilitate re-occupancy of previously established marine terminal space. The Proposed Project has independent utility from these other projects, and therefore is an independent project for purposes of CEQA. Regarding the relationship of these projects to the Proposed Project and comments pertaining to increased throughput, please also refer to Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

350BA-4 Response:

For a discussion on the impact of large vessels at the Seaport refer to Global Response 5: Operational Impacts. The IHTB and OHTB widening is an efficiency project aimed at reducing inefficiencies at the Port. With the ability to handle large vessels better, the Port anticipates less delays due to greater efficiencies in turning the vessels as well as fewer ships calling the Port for the same amount of cargo. The Port already receives these large vessels and the landside operations have dealt with the landside operational impacts. The Port's current landside operations include an appointment system and a comprehensive truck management plan to aid in the administration of cargo movement inside the Port; the appointment systems are maintained and managed by the individual terminal operators to moderate transactions (e.g., hourly truck arrivals to a terminal) in accordance with available equipment and staffing. The Proposed Project does not include plans to modify these systems, which are designed to enhance and support efficiencies in container deliveries and pickups (e.g., truck movements), thereby aiding to reduce truck-related emissions on the local community.

The Draft EIR used the first operational year as a baseline for comparison to the Proposed Project. This beginning of operation and all future years contains the Port's anticipated growth in containers handled with and without the Proposed Project. There would be negligible changes in criteria pollutant emissions associated with landside operations because of the Proposed Project. There may only be potential changes in localized emissions if there are any changes to peak activity, but this would not change the annual values used to determine significance of the Proposed Project compared to the No Project future baseline scenario. Comparing the localized emissions from receiving large vessels, there would be no change compared to existing

conditions as well as the No Project future baseline; because the Port has received large vessels, and will continue to receive large vessels without the Proposed Project, any potential peak emissions due to surges in volumes from unloading large vessels has been experienced in existing conditions and would be experienced in the No Project future conditions. Therefore, under CEQA, the incremental change in peak emissions would be zero, and would not have an impact compared to existing or No Project future conditions.

The existing activities at the impacted land areas would be relocated or consolidated, and there would be negligible changes in air quality emissions associated with the relocation or consolidation of existing activities outside of the physical change in location where they are released if relocated. Any change due to differences in minor trip lengths and activity would be minimal overall, because the Proposed Project would not cause any changes to demand and growth.

350BA-5 Response:

Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of applicability of Oakland 2030 Equitable Climate Action Plan. Although the Oakland 2030 Equitable Climate Action Plan is not applicable to the Proposed Project, the Port of Oakland's 2020 and Beyond Plan outlines its actions to modernize the Seaport and head toward becoming a zero-emission seaport. For more information on the activities of the Port toward zero emissions, refer to Global Response 3: Zero-Emissions Seaport. For more information about mitigation measures implemented for the Proposed Project, refer to Mitigation Measure ENE-1 in Section 3.6.4 of the Draft EIR. The commenter is correct in noting that Mitigation Measure ENE-1 calls for the electrical dredgers to switch to diesel dredging during any periods where the Port receives an Energy Emergency Alert 3 Notice to prepare for rotating power outages issued by the California Independent System Operator (CAISO) for the Northern California Region and/or CAISO Grid and/or Alameda Municipal Power. As stated in the Draft EIR, this mitigation measure is required to avoid impacts to peak electricity demand in the region. To complete the dredging activities during the allowed in-water work window for dredging based on protection of biological species, the dredgers must continue working during electricity outages. This is in line with California's regulations regarding OGVs using shore power that similarly unplug and use diesel-fueled auxiliary power during peak electricity demand events, such as California experienced in 2022. For a discussion on feasibility of other mitigation measures suggested by commenters, refer to Global Response 7: Air Quality Mitigation Measures.

350BA-6 Response:

Please refer to Global Response 1: CEQA Process.

G.5.2.2 Earthjustice on Behalf of San Francisco Bay Area Physicians for Social Responsibility, Sierra Club, West Oakland Environmental Indicators Project, Environmental Defense Fund, Union of Concerned Scientists, Pacific Environment, West Oakland Neighbors, 350 East Bay, and Center for Biological Diversity (EJC)

EJC-1 Response:

Please refer to responses to comments EJC-5 through EJC-88 explaining how the Draft EIR satisfied CEQA requirements.

EJC-2 Response:

Please refer to Global Response 1: CEQA Process. In addition, the USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/Environmental Assessment.

EJC-3 Response:

Please refer to responses to comments EJC-5 through EJC-88, which explain how the Draft EIR satisfied CEQA requirements.

EJC-4 Response:

Please refer to Global Response 1: CEQA Process. There is no legal obligation under state or federal law to provide concurrent review. Additionally, the USACE issued a Finding of No Significant Impact for the EA on August 21, 2024, finalizing the NEPA review for the Proposed Project, and therefore concurrent review is not possible.

EJC-5 Response:

The project description in the Draft EIR did not omit any integral components of the full project or reasonably foreseeable consequences of the Proposed Project. As described in Draft Section 2.5, the Proposed Project would not change the projected cargo throughput at the Port; the Port's total projected volume serviced would remain the same with and without widening of the turning basins. In addition, the Proposed Project does not include landside improvements to increase the Port's cargo (or container) handling capacity; and as a result, the Port's capacity remains constant with this Proposed Project, and landside operations following widening of the turning basins are assumed to remain consistent with existing conditions, including management of cargo volume fluctuations. Therefore, impacts related to expanding the Port's capacity or changes in landside operations were not analyzed in the Draft EIR because they are not a component or reasonably foreseeable outcome of the Proposed Project. To the extent that the comment suggests that "ongoing Port operations" cause environmental impacts, those are a part of the baseline for environmental review and are not impacts of the Proposed Project.

Please refer to Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

EJC-6 Response:

Analysis of the project's environmental analysis varied by resource as described in each Draft EIR Chapter 3 resource section, and extended beyond 1 mile where appropriate. The Proposed Project is not expected to result in any discernable change in shipping beyond the immediate area surrounding the Inner and Outer Harbors. Please refer to response to comment EJC-23 addressing the analysis area for health effects.

EJC-7 Response:

The Draft EIR appropriately defines the project description. Please refer to Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

EJC-8 Response:

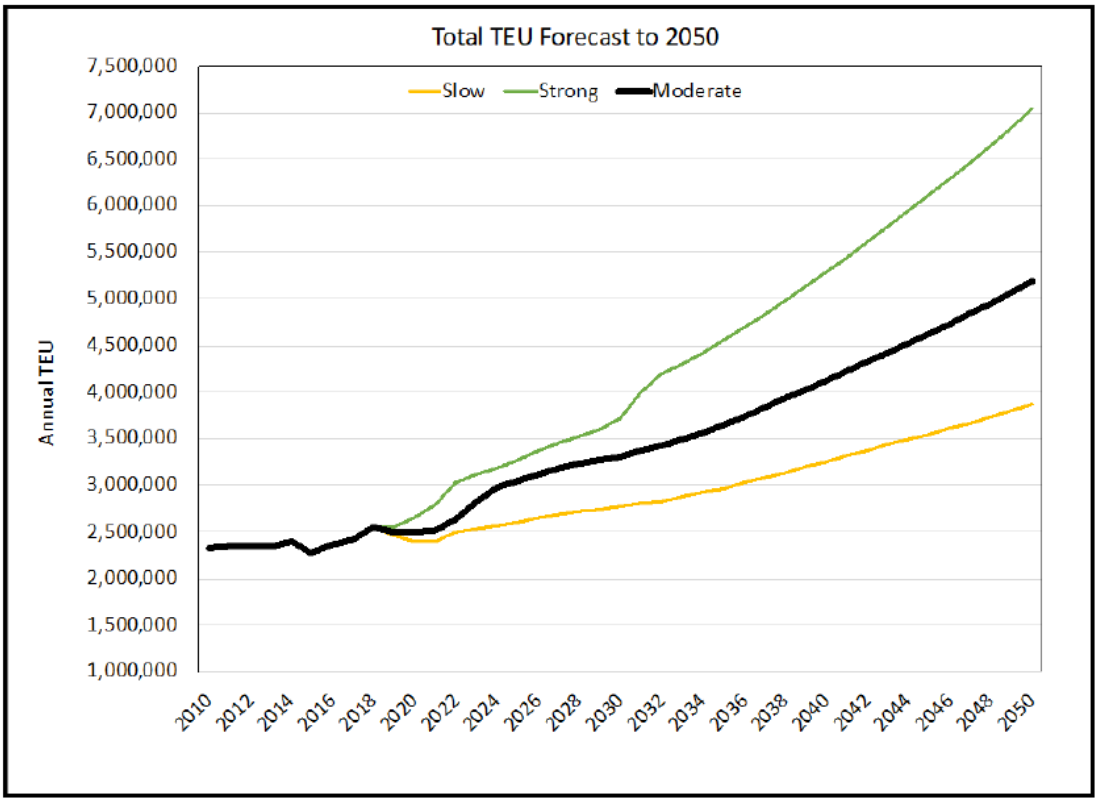
The Draft EIR accurately concludes that throughput (the amount of cargo containers that can and will pass through the Port) will not change as a result of the Proposed Project. As described in Section 6.3, Growth-Inducing Impacts, of the Draft EIR, the Port's maximum practical throughput (measured in TEUs), is limited by the number of vessels it can accept ("berth-constrained") or by how much cargo its landside facilities (e.g., container yards) can service ("yard-constrained"). The Proposed Project does not increase the number of berths or landside facilities; therefore, the maximum practical throughput remains unchanged by the Proposed Project. Furthermore, the turning basins have no effect on market demands and the global container fleet composition. Instead, the number or size of vessels (i.e., "supply") that call the Port is driven by broader economic drivers, including, but not limited to, regional demands for goods, strength of the U.S. dollar compared to foreign currencies, foreign trade policies, population growth or contraction (collectively, "demand"), and the availability of vessels to service said demand. Therefore, the demand market drives the vessel supply market. This assertion is supported throughout the Tioga Report and by Port historical data trends. Furthermore, the Proposed Project would not change the size of vessels that can call the Port. As detailed in Section 2.3 (Table 2.3-2), Port Operations, the world's largest container vessel category (known as Post Panamax Generation IV), have called and will continue to call the Port, albeit with additional restrictions as discussed in Section 2.3.1. (Waterside – Vessel Maneuvering Restrictions) due to the inability of vessels generally exceeding 14,000 TEU to use the Inner Harbor Turning Basin (as the Tioga Report supports). Instead, the Proposed Project would allow the size of vessels already calling the Port today to do so more efficiently by allowing them to use the Turning Basins more safely and with fewer logistical restrictions.

Furthermore, as supported by the Tioga Report, even after the –50-Foot Deepening Project at the Port in 2009, growth at the Port was slower than other areas of the North American West Coast, because economic and landside infrastructure factors (e.g., new distribution centers) affect competitiveness with other facilities along the West Coast far more than vessel call size capabilities. For example, competing ports such as those in Southern California and British Columbia were able to capture more market throughput than the Port of Oakland even after the –50-Foot Deepening Project because they are able to accommodate the same large vessels, while also having advantages such as greater local population size and economic activity, new or expanded distribution centers, or better rail connectivity. Because there is only so much market share to be captured, increasing vessel call size capacity and efficiency overall has historically not induced cargo growth. Refer to Exhibit 77 from the Tioga Report for reference trend data supporting these assumptions.

The commenter's assertion that the USACE forecasts a sharp increase in TEU growth in and after 2029 is inaccurate. Instead, the USACE used the cargo forecast in the Tioga Report to perform an economic evaluation of the Proposed Project. Exhibit 3 from The Tioga Report includes three different scenarios of future growth in container cargo from 2020-2050: slow, moderate, and strong. Each growth scenario is independent of the Proposed Project. As the Tioga Report explains, the nongradual sharp increases for the strong and moderate growth rate graph

lines are representative of the supply market adjusting to the demand market with the introduction of first call services. The USACE used the moderate container cargo growth forecast of 2.2 percent, which is in line with recent throughput trends at the Port, excluding years of lower throughput due to the COVID-19 pandemic. Furthermore, as shown in Exhibit 3, there is no sharp increase in rate of growth for this moderate growth scenario starting in 2030; instead, cargo growth occurs gradually over extended time periods as the Port's historical trends support.

Exhibit 3: Total TEU Forecast to 2050



Please also refer to the Draft EIR analysis of the Proposed Project's potential to induce growth (Section 6.3, Growth-Inducing Impacts) and to Global Response 5: Operational Impacts.

EJC-9 Response:

As explained in response to comment EJC-8, the idea that increases to vessel call sizes drive increased growth is not supported by historical data. Growth is driven by economic factors and the relative demand and competitiveness of ports within the overall market. The USACE's Integrated Feasibility Report/EA and Port's EIR forecast increased volume over time consistent with the BCDC Seaport Cargo Forecast. However, the rate of forecasted volume increases will be determined by economic factors, and not by turning basin width or vessel size trends. Vessel size trends are further driven by but not limited to, global trade, national or international regulations and policies, and shipping alliances, and not the size of the turning basin for one (of many) port complexes a vessel will visit. This is particularly true at the Port, where the existing

turning basins and Port facilities can and do accommodate larger vessels. Therefore, the Draft EIR is accurate that the Proposed Project would not result in a higher growth rate than the No Project scenario. This assumption is consistent with historical data and with analysis conducted by similar projects with approved EIRs, such as the -50-Foot Deepening Study (2009) at the Port of Oakland and the Deep Draft Navigation Study (2021) conducted by the Port of Long Beach and USACE. The Proposed Project under consideration does not include potential capacity-increasing projects such as constructing (filling in the Bay) new acreage to handle containers or constructing new wharfs. Such projects have independent utility and would be carried out separately, and therefore are not part of the Proposed Project and its assessment of potential environmental impacts. (Refer to, e.g., *Paulek v. California Department of Water Resources* [2014] 231 Cal.App.4th 35 [Dam remediation and outlet tower replacement—which would have no effect on release capacity of the reservoir facility—did not have to evaluate concerns arising from related but separate emergency outlet extension project].)

Please also refer to Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

EJC-10 Response:

The fact that the Port previously received funding for other improvement projects—particularly projects that have independent utility and are being separately developed—does not make those projects part of the Proposed Project at issue here. In fact, the referenced activities are specifically parts of separate projects that had their own environmental review. The Proposed Project has independent utility from these other projects, and therefore is an independent project for purposes of CEQA. Nonetheless, the other projects are a part of the cumulative context for the Proposed Project. Please refer to Global Response 3: Zero-Emissions Seaport, Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

EJC-11 Response:

The comment misconstrues the analogy referenced in the Draft EIR, which states: "Much like widening a lane on a roadway to safely accommodate wider vehicles does not increase its vehicular handling capacity (i.e., allowing more cars to transit through the roadway), widening the turning basins to accommodate longer vessels does not change the Port's container handling capacity (i.e., the number of containers that can move through the Seaport). Widening the turning basins *would not change the number of vessels able to berth, nor would it change the constraints of the yard*." (Emphasis added.) The analogy refers to widening a single existing lane on a roadway, not adding additional lanes to the roadway, which would increase the roadway's capacity. Therefore, the research cited in the comment is not analogous to the Proposed Project. The comment also fails to recognize that Caltrans and other transportation agencies commonly conduct independent CEQA or NEPA review for separate improvements along a single roadway. That is appropriate where, as here, the distinct improvements can be instituted separately and have independent utility—e.g., public safety or other practical concerns in a particular roadway segment. Therefore, the comment's attempt to blur this analysis misses the mark.

EJC-12 Response:

Please refer to responses to comments EJC-13 through EJC-16 below.

EJC-13 Response:

The comment asserts the alternatives analyzed were inadequate because the project description was too narrowly defined. However, the project description in the Draft EIR did not omit any integral components of the full project, or reasonably foreseeable consequences of the Proposed Project; please refer to Global Response 1: CEQA Process, and Global Response 5: Operational Impacts, as well as responses to comments EJC-5 through EJC-7. Responses to specific comments regarding the range of alternatives and the "no project" alternative are provided below under comments EJC-14 through EJC-16.

EJC-14 Response:

The comment suggests that because the Draft EIR determined the impacts to energy to be less than significant with mitigation, consideration of an alternative involving use of diesel dredges was unnecessary, and therefore the alternatives discussion is inadequate. The Draft EIR analyzed a reasonable range of alternatives as required by CEQA. As the comment notes, energy impacts are reduced to a less-than-significant level by mitigation, and the diesel dredging alternative represents another way of reducing those impacts. In addition to this alternative, the Proposed Project fully analyzed the effects of two other action alternatives (widening the IHTB only and widening the OHTB only), which reduce impacts found to be significant and unavoidable in the Draft EIR. Therefore, the diesel dredging alternative does not preclude the Draft EIR from evaluating a reasonable range of alternatives, nor does it violate the letter or spirit of the law to include a wider range of alternatives than is mandated by CEQA.

EJC-15 Response:

The comment suggests other alternatives that should have been included in the Draft EIR. CEQA Guidelines Section 15126.6(a) states that an EIR must describe and evaluate a reasonable range of alternatives to a project. An EIR is not required to consider every conceivable alternative to a project or alternatives that are infeasible.

Refer to response to comment EJC-14 regarding the diesel dredging alternative.

The first suggestion is to consider an alternative that relies on commercially available zero-emissions construction equipment. The Proposed project includes the use of electric dredges for dredging. For other construction equipment, Mitigation Measures AQ-1 and GHG-1 require the Proposed Project to use electric equipment for construction if it is available as defined by the performance criteria in these mitigation measures. Although there is construction equipment that does exist as hybrid, electric, and various alternative fuels, these pieces of equipment are not always readily available for use on a construction project due to limited numbers of equipment that are in the marketplace. Because it may not be feasible to use all zero-emissions equipment for construction, this was not considered as an alternative. Please also refer to Global Response 7: Air Quality Mitigation Measures.

The other alternatives suggested in the comment pertain to limiting ship speeds to address ship strikes that cause marine mammal deaths and use of dredged materials to raise the Bay's shorelines to provide protection from rising sea levels. Neither of these suggestions would reduce any environmental impacts that were identified as significant impacts of the Proposed Project, and therefore they need not be considered as project alternatives. As described in the Draft EIR, dredged material from the Proposed Project would be used for beneficial reuse in the greater San

Francisco Bay to create wetlands, which make shorelines more resilient to the effects of sea level rise.

EJC-16 Response:

CEQA requires consideration of a No Project Alternative that represents the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved. The Draft EIR does not fail to analyze the environmental impacts of the No Project Alternative as the comment suggests. As stated in Draft EIR Section 5.5.4, under the No Project Alternative, there would be no modifications to the IHTB and OHTB, and none of the environmental impacts associated with the Proposed Project's construction and operation and maintenance would occur. Under the No Project Alternative, Seaport operations would be a continuation of existing conditions, which would not result in new adverse environmental impacts. However, as stated under Section 5.5.4, the environmental benefits of the Proposed Project would not be realized under the No Project Alternative, including an estimated 2 percent to 13 percent reduction in operational emissions that would result from implementation of the Proposed Project (as described under Impact AIR-2 in Section 3.3, Air Quality).

The comment conflates the identified objectives of the Proposed Project with impacts under the No Project Alternative, asserting that because objectives of the Proposed Project include improved operational efficiency and safety, the Port must provide data on past accidents or environmental impacts to justify these objectives and to allow evaluation of impacts under the No Project Alternative. The Proposed Project Objectives form the foundation for the underlying purpose of the Proposed Project, thereby helping with the Port development of a reasonable range of alternatives and aiding the Port Board in preparing findings or a statement of overriding considerations, if necessary. CEQA does not requires those objectives be accompanied by data of past accidents or environmental impacts as the comment suggests. The Draft EIR analysis for the No Project Alternative does not state that there would be environmental impacts associated with vessel grounding or allision (contact with a structure). To state such impacts would occur without the Proposed Project or attempt to quantify them would be speculative. Furthermore, there does not need to be a record of past incidents for the Port to recognize that the limited width of the turning basin increases the potential for groundings or allisions during the turning of larger vessels, and to therefore identify improved safety and reduced environmental risks as objectives of the Proposed Project.

In addition, the comment's assertion that the Draft EIR did not describe how navigational inefficiencies would continue is incorrect. Draft EIR Section 2.3.1 describes in detail the conditions that contribute to existing operational inefficiencies. Transportation inefficiencies and high-risk transits occur when channels and maneuvering areas do not fully accommodate the vessels using them. Current container vessels calling the Port exceed the maximum dimensions of the constructed turning basins. These inefficiencies are projected to not only continue, but to increase in the future because longer vessels are expected to transit to the Oakland Harbor with greater frequency for a variety of reasons, including fleet turnover, and projected world fleet production (Appendix C [Economics] of USACE 2023). Draft EIR Table 3.1-1 and Figure 3.1-1 show the projected number of vessels calls by vessel type for the Proposed Project and No Project Scenario in the future years 2030, 2040 and 2050; these data indicate that the proportion of larger vessels (PPX2, PPX3 and PPX4) to smaller vessels will increase over time under the No Project Scenario.

Under Impact AIR-2, the Draft EIR explained that the reduction of operational emissions under the Proposed Project would occur as a result of a reduction in the total number of vessel calls and a change in fleet mix; the Draft EIR did not attribute this reduction to lessened navigational inefficiencies as the comment suggests. Please refer to response to comments EJC-92 and EJC-97 through EJC-105 addressing the PSE Health Energy (PSE) Report assertions related to the Proposed Project's operational changes and anchorage operational emissions.

EJC-17 Response:

The commenter makes statements regarding the legal requirements applicable to EIRs. Please refer to response to comments EJC-18 through EJC-86.

EJC-18 Response:

Please refer to Global Response 6: Air Quality Baseline, for a discussion of the Proposed Project's use of an operational baseline as the first year of the Proposed Project operation and subsequent years as additional support, which is allowed under CEQA. The Draft EIR relies on substantial evidence in the form of economic forecasting of the annual growth rate, and another model to simulate vessel fleet mix and calls. The commenter has provided no evidence to the contrary. Refer to Global Response 5: Operational Impacts, for further details about landside operations with and without the Proposed Project. The Draft EIR provided extensive discussion of baseline conditions in the Draft EIR in Sections 3.1.1 and 3.3.1. This included information from the Port of Oakland 2020 Seaport Emissions Inventory, which is the most recent comprehensive emissions inventory for the Port of Oakland. The 2008 HRA by CARB and the most recent HRA done for WOCAP were included in the setting, which discusses emissions and health impacts in the Port and the larger West Oakland area. Future projections of emissions and health impacts were made in these studies using the same annual economic growth data. As the California Supreme Court held in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, a future conditions baseline is appropriate where the EIR can justify that an existing conditions analysis would be misleading or without value. Such is the case here, where economic and related forecasting has shown that conditions expected to occur in the construction and operational horizons for the Proposed Project would change, and use of an existing operational baseline would create a misleading impacts analysis. However, for disclosure purposes, Global Response 6: Air Quality Baseline also addresses Proposed Project operational impacts compared to a current conditions baseline, which are less than significant.

EJC-19 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice, for a discussion of West Oakland Community Action Plan in the context of the Draft EIR, and for a discussion of environmental justice and racial impacts in relation to the Draft EIR. For a discussion of the relevance to the City of Oakland Plans and Policies including the City of Oakland's ECAP, please refer to Global Response 8: City of Oakland Plans and Policies.

Although the heading of this comment suggests that it identifies some inadequacy with respect to the Draft EIR's description of the existing air quality setting, and the comment goes on to describe the existing setting, it does not allege any specific inadequacy with respect to the Draft EIR's description. The description given by the comment is consistent with the description in the Draft EIR, except for discussion of the City of Oakland's ECAP, which is not discussed in the Draft EIR because it is not applicable to the Port.

The commenter is also incorrect in stating that the Draft EIR did not adequately describe the existing air pollution in the surrounding communities. The Draft EIR provided extensive background in Section 3.3.1. This included information from the Port of Oakland 2020 Seaport Emissions Inventory, which is the most recent comprehensive emissions inventory for the Port of Oakland. The 2008 HRA by CARB and the most recent HRA done for WOCAP were included in the setting, which discusses emissions and health impacts in the Port and the larger West Oakland area. In addition, there was a discussion of the WOCAP policies and the Port's status of implementing these measures. The Draft EIR conducted an HRA for the Proposed Project construction and provided more information on the results of this HRA than required to make the CEQA significance determination. The Draft EIR, in addition to determining the maximum exposed individual, also presented the high values in both Alameda, the area adjacent to Howard Terminal, and the part of West Oakland most impacted by the OHTB.

EJC-20 Response:

Regarding the Proposed Project's operational impacts and comments referencing the Tioga Report, please refer to Global Response 5: Operational Impacts and responses to comments EJC-8 and EJC-9.

Regarding the cited Jungen study and Port of Miami dredging, as explained under Global Response 5: Operational Impacts, modeling conducted by the Port indicates that the Proposed Project is not expected to cause more truck congestion at the terminal truck gate and local roads or to increase container handling equipment use when compared to the No Project scenario. The largest class of container vessels (PPX4) is already calling the Port, and terminal operators are already managing cargo loads associated with this vessel size. Current landside operations include an appointment system and a comprehensive truck management plan to aid in the management of cargo movement and reduce the impact of truck-related emissions and traffic on the local community; the Proposed Project does not include plans to modify these systems. Furthermore, the Port of Miami example referenced in the comment is not analogous to the Proposed Project because the Port of Miami project involved deepening of its shipping canal, and allowed fully loaded post-Panamax ships carrying more TEU to call the Port of Miami, which was not achievable prior to the deepening. As noted above, the largest class of container vessels (PPX) is already calling the Oakland Seaport.

EJC-21 Response:

Changes to landside operations to handle growth and operational changes would need to undergo separate environmental review; please refer to Global Response 1: CEQA Process and Global Response 5: Operational Impacts for further discussion. The Draft EIR did acknowledge that there would be potential changes in localized air quality emissions for peak activity under Impact AIR-2 and AIR-3. For a discussion how marine terminal operators at the Port manage potential peak surging, refer to Section 2.3.2 in the Draft EIR. Many of the features mentioned in the PSE report are already in the works at the Port, including improvements to cranes, stacking containers, and implementing software to more efficiently move cargo including reducing dwell times. In addition, the Proposed Project would result in negligible changes in both truck demand and truck queuing. Please also refer to responses to comments EJC-99 through EJC-105, which address related comments included in the PSE report.

EJC-22 Response:

Anchorage emissions were not estimated because there were limited data to suggest appreciable differences in anchorage time between the different vessel classes. Whether or not a vessel goes to an anchorage is highly variable, and there are limited data to determine if vessel size is an independent factor causing a particular vessel to anchor, and once at anchorage, the duration of the anchorage time. Please refer to Global Response 5: Operational Impacts regarding operational emissions.

EJC-23 Response:

The receptor grid used in the Proposed Project HRA had 31,092 receptors, as described in Appendix C, page 16. It was originally developed to contain the same model domain as WOCAP (7 kilometers by 5 kilometers), and then expanded for additional coverage in both Oakland and Alameda near the IHTB for a total distance covered by the HRA of 8.75 kilometers by 6 kilometers (5.4 miles by 3.7 miles), including the entire community of West Oakland and a portion of the City of Alameda. The receptor spacing used in this large modeling domain had areas of 20-meter, 50-meter, and 250-meter spacing. Variation in receptor spacing is common in air dispersion modeling to ensure that the peak value is observed and to give a sense of the broader air dispersion impact. This is well stated in Appendix E of the Air District's 2022 CEQA Guidelines, which state "Refined modeling commonly uses Cartesian receptor grid, which is defined by an origin with receptor points evenly (uniform) or unevenly (nonuniform) spaced around the origin… The grid should encompass the entire area of the project radius and be spaced appropriately to identify the most affected receptor…Using a combination of fine, tightly spaced receptors near the source and coarse grid of receptors located outside of the fine grid reduces the modeling time but maintains sufficient resolution for identifying the maximum impact area." This guidance suggests a grid spacing of 50 meters for areas less than 325 meters from the Proposed Project site. A detailed modeling domain in other areas was not necessary to capture the peak impacts from the Proposed Project's construction emissions. Had the modeling suggested that the peak health impact lay outside of the modeling domain, additional modeling would have been warranted. This was not the case. Highway 260 is in a denser modeling grid area as well as the neighborhoods in West Oakland and near Howard Terminal. It is unclear which 6.5-mile neighborhood the commenter thinks were not covered by the modeling domain, because Figure 7 in Appendix C does not show any gaps in the denser 20- and 50-meter grids in these locations that are not on water or roadways. The peak health impact would occur along the portion of roadways nearest to the other Proposed Project construction activity, because it would be impacted by not just vehicles traveling along the roadway, but the offroad construction equipment and equipment working in the water. The CEQA threshold is based on the highest impacted receptor, and does not need to consider the impact of all individuals. The analysis appropriately placed receptors in the locations anticipated to be the highest area of impact from all of the Proposed Project's activities. There were no discrete receptors for schools, daycares, medical facilities and other types of sensitive receptors other than resident locations that were in the peak area that would have had higher exposure factors than a residential child, which was used in the HRA to evaluate cancer risk. Therefore, there was no need to further explicitly add discrete receptors to capture the maximum cancer risk, and the PSE Report's statement that the 50-meter grid spacing may not accurately capture impacts is unfounded and incorrect.

It is unclear why the commenter suggests that analysis was truncated at a 1-mile radius. It was not. Roads and the tug travel path as it heads out to the beneficial reuse sites were truncated at the WOCAP border, consistent with the Air District's approach in the WOCAP analysis of West Oakland emission sources. The length of this travel path is substantially longer than 1 mile. Similarly, on the southern end, roadway emissions were truncated on the far side after exiting Alameda and entering I-880 freeway, which is more than 1 mile from the construction area where they originate. Nowhere in our documentation in the Draft EIR and Appendix C is the HRA characterized as being truncated at a 1-mile radius. Commonly, in air dispersion modeling roadways and mobile source, travel paths are truncated once they reach a major roadway or move further away from the primary receptors anticipated to be most impacted. This again is done for modeling time, because these sources have been shown to have diminishing influence on the overall result. This can be observed by looking at these sources' contribution to the overall concentration or health impact at the peak receptor, which is used for significance determination. Receptors further out along a road that the trucks would use would have lower health impacts than compared to the same trucks on roads closer to the other major source equipment used in construction of the Proposed Project. People exposed on a roadway would only be exposed for the short duration of a truck passing by rather than those near the many pieces of larger equipment working continuously.

EJC-24 Response:

Please refer to Global Response 5: Operational Impacts, which discusses operational impacts and growth inducement. As the Draft EIR concludes, the incremental increase in emissions at the start of operation for the Proposed Project would not result in an increase in air quality emissions and therefore does not require mitigation. Mitigation is only required for those potentially significant impacts that are a reasonably foreseeable consequence of the Proposed Project (e.g., construction-related impacts), and not those physical changes that are occurring with or without the Proposed Project. In this respect, although the Proposed Project would create some efficiencies and improvements in safety at the turning basins, it is not expected to result in any operational changes on the landside of the Port. For discussion of a mitigation measure suggested by commenters, please refer to Global Response 7: Air Quality Mitigation Measures.

The commenter asserts that toxic air contaminants (TACs) can cause health impacts because of only 1-hour exposure. This is well described and used in the HRA for construction. The Draft EIR acknowledges that peak activity may have increases in these TACs and other pollutants in the short term. However, under CEQA, the significance determination is based on incremental change. Currently and in the future with and without the Proposed Project, because the Port does experience peak events and has taken large vessels, these short-term peak emissions of TACs have already occurred and there would be no difference in the incremental change under CEQA. For cumulative impacts, the Draft EIR did conclude that there is a significant impact to the area.

EJC-25 Response:

Please refer to Global Response 7: Air Quality Mitigation Measures, regarding alternative and zero emission vehicles and equipment, and mitigation. The commenter suggests that there are grants available for off-road equipment. There are various grants available for off-road equipment of different types. Because the construction activity would be done by third-party contractors, the Port cannot apply for these grants on their behalf, and it is unknown if

contractors would meet the requirements for these grants, or if they would be awarded and equipment secured prior to the start of the Proposed Project construction.

EJC-26 Response:

In Section 4.5 of the Draft EIR, there is a lengthy discussion of the cumulative setting and impacts to air quality. Information from several different projects was considered in the analysis as well as the WOCAP analysis, which includes all sources in West Oakland including the full Seaport, roads, and railways. A detailed HRA was conducted on the Proposed Project's construction activities to capture the additional health impacts and $PM_{2.5}$ concentrations that the overall region would experience during construction. The operation of the Proposed Project would not be substantially different in emissions and health impacts compared to the future year estimates and health impacts presented in the WOCAP HRA because growth was assumed, and the 2029 future forecast would be similar to the 2030 forecast used in the first year of operation of the Proposed Project. Therefore, because the growth in Port operations was already included in WOCAPs future scenarios, the Port has found the WOCAP's analysis to be a reasonable and accurate representation of the cumulative impacts from reasonably foreseeable projects. The Port did undertake its own independent analysis of the Project's contribution to these cumulative impacts, as well as preparation of an HRA.

As outlined in the WOCAP, the majority of the measures are for improvement over time to equipment, trucks, vessels and harbor craft. Many of these improvements are made with regulatory updates and in the Ports 2020 and Beyond Plan, and are out of the scope of the Proposed Project which is to construct more efficient and safe turning basins. Please refer to Global Response 3: Zero-Emissions Seaport regarding the 2020 and Beyond Plan. For a discussion of West Oakland and the goals of WOCAP refer to Global Response 2: Community Engagement and Environmental Justice. Additionally, the cumulative analysis in the Draft EIR does explain how the pollution would be expected to impact health (refer to Draft EIR, Table 4.4-1).

Although the comment alleges a failure to mitigate the Proposed Project's significant air quality impacts, it does not identify any additional feasible mitigation measures not already considered or adopted that would reduce these impacts. Please refer to Global Response 7: Air Quality Mitigation Measures for further discussion of air quality mitigation.

EJC-27 Response:

The comment takes quotes out of context and is misleading. The quotes in the comment are from various sections of the Draft EIR and Appendix C, which comprises the HRA. The comment uses these quotes to convey a different concept than the full discussion presented around their quotes. For example, their quote "would last only a small fraction of a lifetime," is only stating that there is uncertainty in evaluating cancer risk from a project that is short in duration. The quote is not discussing the magnitude of the impact of air pollutant emissions, either in the abstract or for the Proposed Project.

The analysis of air quality impacts in the Draft EIR uses a reliable methodology and analysis to apply the best estimate of vessel types and number of calls under the Proposed Project and No Project scenarios. Once the vessel arrives, similar types of land-based equipment and hours of activity are needed to unload, load, and process cargo through the terminals to their destinations. In addition, the existing facilities can accommodate and have already accommodated the larger

vessel classes expected in 2030. Therefore, the Proposed Project is expected to have no incremental increase in landside emissions over the No Project Alternative. This is also true for GHG emissions. Similarly, for possible acute health impacts from TACs and criteria pollutants associated with hot-spots such as primary $PM_{2.5}$ resulting from emissions to the ambient air from Proposed Project sources, the Port has already experienced these peak short-term impacts, because it has demonstrated an ability to handle larger vessels even without the Proposed Project. In summary, the Proposed Project would not meaningfully alter the nature or extent of landside operations; therefore, operation of the Proposed Project is not expected to result in any measurable incremental increase in impacts to air quality.

Since the Proposed Project uses the first operational year as a baseline under CEQA, the Draft EIR correctly compares and models the No Project 2030 and the Proposed Project 2030 emissions scenarios, which take into account anticipated changes in vessel fleet mix and number of calls under a specific forecasted growth rate. The applied model used the most reasonable and accurate information available regarding vessel unloading and loading. In this first operational year baseline scenario, only the vessel types and number of calls would change, impacting water-based operations. Once the vessel arrives, similar types of land-based equipment and hours of activity are needed to unload, load, and process cargo through the terminals to their destinations. Therefore, the Proposed Project is expected to have no incremental increase in landside emissions over the No Project Alternative. This is also true for GHG emissions. Similarly, for possible acute health impacts from TACs and criteria pollutants associated with hot-spots such as primary $PM_{2.5}$ resulting from emissions to the ambient air from Proposed Project sources, the Port has already experienced these peak short term impacts, because it has demonstrated an ability to handle larger vessels even without the Proposed Project. Therefore, because there would be no material change in landside equipment or landside operations, landside operations under the Proposed Project are not expected to result in any significant environmental impacts or additional mitigation. The Draft EIR's analysis is appropriately focused on the Proposed Project's incremental change in an impact. There would be no incremental change in acute health impacts during operation because operations would not be affected by the Proposed Project. Please refer to Global Response 5: Operational Impacts.

EJC-28 Response:

This response addresses the concern raised regarding the translation of air quality impacts to specific adverse human health impacts for the West Oakland community. The decision in Sierra Club v. County of Fresno, 6 Cal.5th 502 (2018), regarding the Friant Ranch project, requires projects with significant air quality impacts to either relate those impacts to likely health consequences or explain why it is not feasible to provide such analysis. The purpose is to inform the public and decision makers so that they can make informed decisions regarding the costs and benefits of the project.

A key difference between the Proposed Project and the Friant Ranch project is that the Friant Ranch EIR only provided quantification of pollutant emissions with no health risk assessment. Here, the Draft EIR and the Future WOCAP HRA not only provide extensive evaluation of emissions quantification, but also provide quantified health risks for cancer, chronic noncancer health impacts, and acute health impacts for all toxic air contaminants (TACs) that have toxicity factors available from the California Environmental Protection Agency (CalEPA) Office of

Environmental Health Hazard Assessment (OEHHA) (refer to Appendix B, Health Risk Assessment for the Draft EIR).

The Proposed Project's construction health impacts with Proposed Project mitigation were projected to be above the Air District significance thresholds for cancer risk and annual $PM_{2.5}$ concentration, but below the Air District significance threshold for chronic health impacts (HI) and acute HI (refer to Draft EIR Tables 3.3-14 through 3.3-16); however, the entire Proposed Project and the whole Seaport remained cumulatively significant. In addition, the $PM_{2.5}$ concentrations that would be generated by the Proposed Project in the ambient air have been quantified.

As presented in the Draft EIR, emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ fall below the Air District significance thresholds for construction emissions. As explained by the Air District in its 2010 CEQA Air Quality Guidelines report justifying its CEQA significance thresholds, these thresholds are set at levels such that projects with emissions below the thresholds would not be expected to result in nonattainment of ambient air quality standards or to create significant contributions to existing nonattainment conditions. Because the federal and state ambient air quality standards are designed to protect against health impacts, including impacts to the most vulnerable segments of the population, exposures to direct emissions from the Proposed Project would not result in significant health impacts to the population intended to be protected by compliance with the ambient standards. Emissions of ROG and nitrogen oxides (NO_X) from the Proposed Project can result in production of ozone and $PM_{2.5}$ (so-called secondary $PM_{2.5}$) over the course of a few hours via chemical reactions in the atmosphere between ROG, NO_X, and ammonia in the presence of sunlight. The Air District significance thresholds for ROG and NO_X emissions are based on the Air District's offset requirements for ozone precursors. These offset requirements are based on the San Francisco Bay Area's nonattainment status of the federal ozone standard, and therefore these significance thresholds are appropriate "to prevent further deterioration of ambient air quality and thus [have] nexus and proportionality to prevention of a regionally cumulative significant impact (e.g., worsened status of nonattainment)" (Air District 2010). As explained above, attainment of the ambient standards can be considered protective of public health, including the health of sensitive subgroups, thereby providing a strong link between a mass emission threshold and avoidance of health effects. For PM_{10} and $PM_{2.5}$, Air District established CEQA significance thresholds based on the federal New Source Review program for new stationary sources of pollution, which contains stricter thresholds than the Air District's offset program for these pollutants. "These thresholds represent the emission levels above which a project's individual emissions would result in a considerable adverse contribution to the [San Francisco Bay Area Air Basin]'s existing air quality conditions" (BAAQMB 2010). As with ROG and NO_X discussed above, these thresholds likewise provide a connection between a mass emission threshold and avoidance of health effects. As disclosed in this Final EIR, emissions from the Proposed Project's construction would not exceed the Air District emissions threshold; therefore, significant impacts from ozone or secondary $PM_{2.5}$ production is unlikely but cannot be ruled out based solely on the level of NO_X emissions from the Proposed Project. The above considerations notwithstanding, the possibility of some localized ozone and secondary $PM_{2.5}$ formation and resulting health impacts from Proposed Project NO_X emissions cannot be entirely ruled out. However, inclusion of quantitative calculations in the Draft EIR of local and regional health impacts due to any incremental ozone and secondary $PM_{2.5}$ formation from Proposed Project NO_X emissions was determined not to be warranted.

There is no better scientific e method for predicting specific health impacts that could result from exposure to air quality emissions at the local project level scale beyond the risks analyzed in the HRA. Computer models (CMAQ, CAMX, and BenMap) used to generate such health impact estimates are based on rough approximations of the complex atmospheric processes involved in ozone and secondary $PM_{2.5}$ formation, transport, and dispersion, and ultimately do not reliably predict potential health outcomes at the local level. Furthermore, as noted by the Air District in the 2017 Clean Air Plan (Air District 2017), factors relating health impacts to concentration increases are also uncertain, particularly when applied to very small concentration increments. Therefore, results derived from application of these models are subject to large uncertainties, thereby limiting their value in communicating any likely health impacts. Therefore, the Draft EIR includes as much information as can be provided regarding potential health impacts.

These limitations are confirmed in the City of Oakland's February 2021 Draft EIR for the Waterfront Ballpark District at Howard Terminal Project. That Draft EIR includes a detailed health impact analysis, in addition to a localized health risk analysis, for a project that would cause significant NO_X emissions during project operations. Located partially in the Proposed Project site, the Howard Terminal Project site is in a similar location with similar prevailing winds. Even making the most conservative assumptions, the Howard Terminal Project analysis found minimal potential health effects from ozone increases (Waterfront Ballpark District at Howard Terminal Draft EIR, pp. 4.2-72, 4.2-86 – 4.2-92). Even at this level, the analysis explains: "Health effects presented are conservatively estimated and may be zero." (Waterfront Ballpark District at Howard Terminal Draft EIR., p. 4.2-89). In sections headed "Uncertainty of Results," "Context of Results," and "Conclusion," the Draft EIR explains in detail why the modeling results are so uncertain, and even at the very low levels suggested by the analysis, why the impacts may be overstated (Waterfront Ballpark District at Howard Terminal Draft EIR., pp. 4.2-92 – 4.2-94).

The Proposed Project's Draft EIR does address cumulative health impacts for construction and continued operation of the Seaport in Section 4.4 by showing various projects and their health impacts to the extent available, and how this could be combined with the Proposed Project's construction impacts. In particular, the HRA conducted for WOCAP, when added with the Proposed Project construction, results in the cumulative impact of the Proposed Project's construction with the Seaport operations as well as other sources in West Oakland, and the cancer risks from external sources migrating into West Oakland.

EJC-29 Response:

The Draft EIR and the Future WOCAP HRA not only provide extensive evaluation of emissions quantification, but also provide quantified health risks for cancer, chronic noncancer health impacts, and acute health impacts for all TACs that have toxicity factors available from CalEPA OEHHA (refer to Appendix B, Health Risk Assessment for the Draft EIR). These directly describe how human health would be affected by the Proposed Project, including cumulatively with other projects, and represent the best available science with regard to forecasting potential health risks associated with air emissions at the project level of detail. For a discussion of West Oakland and environmental justice, please refer to Global Response 2: Community Engagement and Environmental Justice. The comment is incorrect regarding the scope of analysis, which is not limited to 1 mile. The health risk assessment in the Draft EIR encompassed an area

8.75 kilometers (5.4 miles) by 6 kilometers (3.7 miles), including the entire community of West Oakland and a portion of the City of Alameda.

EJC-30 Response:

It is unclear why the commenter suggests that analysis was truncated at a 1-mile radius. It was not. Roads and the tug travel path as it heads out to the beneficial reuse sites were truncated at the WOCAP border, consistent with the Air District's approach in the WOCAP analysis of West Oakland emission sources. The length of this travel path is substantially longer than 1 mile. Similarly, on the southern end, roadway emissions were truncated on the far side after exiting Alameda and entering I-880, which is more than 1 mile from the construction area where they originate. Nowhere in in the Draft EIR and Appendix C is the HRA characterized as being truncated at a 1-mile radius. Commonly, in air dispersion modeling roadways and mobile source, travel paths are truncated once they reach a major roadway or move further away from the primary receptors anticipated to be most impacted. This also done for modeling time because these sources have been shown to have diminishing influence on the overall result. This can be seen by looking at these sources' contribution to the overall concentration or health impact at the peak receptor, which is used for significance determination. Receptors further out along a road the trucks would use would have lower health impacts compared to the same trucks on roads closer to the other major source equipment used in construction of the Proposed Project. People exposed on a roadway would only be exposed for the short duration of a truck passing by rather than those near the many pieces of larger equipment working continuously.

Although a truncated travel path was used for trucks and tugs in the HRA due to diminishing impacts on the maximum exposed residential receptors, the total emissions presented in Draft EIR Tables 3.3-9 through 3.3-13 are for the complete travel path anticipated. This was chosen to be the Montezuma beneficial reuse site assumed to be 50 miles away. Trucks were assumed to travel to a Class I landfill, assumed to be Kettleman Hills Landfill, a Class II landfill assumed to be barged by tugs to Montezuma and loaded onto trucks assumed to be Portero Hills Landfill, a recycler assumed to be Argent Materials, and other miscellaneous material trips assumed to be the CalEEMod default of 20 miles. This is outlined in Table 8 of Appendix B to this Final EIR. Therefore, the Draft and Final EIRs were not deficient and were in line with best practices by including all emissions for the anticipated complete travel paths in determining the impacts to criteria air pollutants.

EJC-31 Response:

The commenter is incorrect in assuming that because the Port of Oakland has produced emissions inventories, it can produce an emissions inventory for the Proposed Project that reflects the differences in future activity for landside operations. There is a key difference between an annual (or other frequency) actual emission inventory that is based on the collection of detailed activity data that were recorded during the past year (or other past time frame), and an emission inventory for activity that would occur in the future. Although there are reasonable estimates of the emissions factors for OGVs, tugs, trucks, cargo handling equipment, and locomotives, it is speculation to prepare an estimation that provides the amount of activity of the cargo handling equipment, trucks, locomotives, and other equipment. There is uncertainty in how exactly individual terminals would operate and implement changes for more efficient operation in response to larger vessels enabled by the turning basin. Although the Port has handled a few of these vessels, other projects outside of the Proposed Project may occur that changes the activity.

Historical data could be used to develop a ratio of truck and rail miles based on a TEU basis as well as amount of cargo handling equipment used on a TEU basis or some other scaling factor. It is difficult to distinguish between how these factors may or may not change because of a wider turning basin that can more readily handle larger vessels. In many cases, there would be little to use as a basis to distinguish the activity between larger and smaller vessels rather than a general increase in TEU volume, which is the same in the Proposed Project and No Project 2030 operational baseline. The emission factors for cargo handling equipment, trucks, and rail would all be the same, and the only distinguishing comparison between the operational emissions of the Proposed Project compared to the No Project is activity. Therefore, any substantial differences in emissions and air quality impacts would be difficult to determine unless a substantial difference in activity supported by substantial evidence can be distinguished. Unlike other EIRs for the Port of Oakland—such as the Eagle Rock Aggregates Oakland Terminal Project, where a smaller part of the Seaport is involved with a discrete terminal use and there were reasonable estimates of activity for operations based on a targeted throughput of material, as well as a clear comparison to a no project situation—this Proposed Project would result in a subtle change in emissions and activity due to long-term fleet changes rather than a discrete change in activity and emissions.

For a discussion on the data suggested for anchorage emissions, refer to response to comments EJC-22. The transportation section of the Draft EIR did not require a comprehensive traffic model, and there is little to use as a basis to distinguish average traffic volumes from the Proposed Project to the No Project operational scenario. The other model suggested was a research-grade screening tool that may or may not be able to produce the meaningful differences in activity data to distinguish changes in activity on landside operations from the Proposed Project operation and the No Project operation. Furthermore, under CEQA, if a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact which was prepared for the Proposed Project comparison of operational emissions. Therefore, a research-grade screening model would be speculative, and beyond the reach required by CEQA. CEQA also acknowledges different degrees of specificity for EIRs of different project types. Although smaller projects can estimate reasonably operational emissions, it is substantially more difficult to estimate emissions for a whole Seaport with a small change to a turning basin and differences in ship size and vessel call numbers. Please also refer to responses to comments EJC-89 to EJC-109, which address the PSE report that was submitted as an attachment to the comment letter.

EJC-32 Response:

Although the comment states that additional mitigation is available, it does not identify any specific additional feasible mitigation measures that would reduce significant and unavoidable impacts identified in the Draft EIR. Although the comment asserts that mitigation is improperly deferred, it did not identify any specific mitigation measure included in the Draft EIR that is improperly deferred. Please refer to Global Response 7: Air Quality Mitigation Measures for a discussion regarding the use of performance standards in mitigation measures and a discussion of feasibility of using zero-emission vehicles and equipment. Please refer to Global Response 3: Zero-Emissions Seaport, for a discussion of the Port's plan for the whole Seaport heading toward zero emissions. Please refer to Global Response 5: Operational Impacts, addressing the Draft EIR analysis of operational emissions and health risk assessment.

EJC-33 Response:

The comment cites a document prepared by the group Human Impact Partners discussing Health Impact Assessments (HIAs) as establishing a legal requirement. HIAs are distinct from Health Risk Assessments (HRAs), which are prepared for CEQA analyses. An HIA includes analysis of impacts on the determinants of health, such as housing, transportation, employment and income, noise, air quality, access to goods and services, access to parks, and social networks. HRAs are typically used to analyze discrete relationships between a single environmental contaminant (e.g., diesel) and a single health outcome (e.g., lung cancer). The purpose of CEQA is to present an evaluation of potential harmful impacts and mitigate these impacts to a less-than-significant level, or to the greatest extent feasible. CEQA, unlike NEPA, does not concern itself with assessments of beneficial impacts. This is appropriately addressed in statements of overriding considerations, if necessary.

The impact that is discussed is air quality, and an HRA is the appropriate tool along with emissions inventories to assess the impacts to air quality from a project. The use of HIAs is not required nor common practice in EIRs under CEQA, and neither the comment nor the cited document suggests why one would be required here. For a discussion of impacts to disadvantaged communities, refer to Global Response 2: Community Engagement and Environmental Justice.

EJC-34 Response:

The Draft EIR extensively discusses consistency with WOCAP, including in the ways identified by the comment. The Draft EIR did not evaluate consistency with the remaining strategies in the WOCAP because they are not Port-related or Proposed Project-related. The comment does not identify any specific strategy that should have been discussed in more detail in the Draft EIR. For a discussion of impacts to environmental justice and further discussion of AB617 and the WOCAP, please refer to Global Response 2: Community Engagement and Environmental Justice.

EJC-35 Response:

Please refer to Global Response 8: City of Oakland Plans and Policies for a discussion of the relevance of City of Oakland plans and policies. For a discussion of impacts to environmental justice, refer to Global Response 2: Community Engagement and Environmental Justice.

EJC-36 Response:

For a discussion of community engagement activities conducted by the Port and USACE and a discussion of impacts to environmental justice, please refer to Global Response 2: Community Engagement and Environmental Justice. For a discussion of air quality mitigation, refer to Global Response 7: Air Quality Mitigation Measures. The comment does not suggest any specific mitigation measures that should be adopted.

EJC-37 Response:

Please refer to Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

EJC-38 Response:

Please refer to responses to comments EJC-39 through EJC-42.

EJC-39 Response:

The project description in the Draft EIR did not omit any integral components of the full project, and the Proposed Project is not expected to result in increased truck traffic or cause more truck congestion on local roads during operations. Please refer to Global Response 1: CEQA Process and Global Response 5: Operational Impacts.

CEQA Guidelines Section 15064.3 addressing VMT analysis states "for the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project." As noted in the Technical Advisory on Evaluating Transportation Impacts in CEQA (Office of Planning and Research 2018), the term "automobile" refers to on-road passenger vehicles; specifically, cars and light trucks. Per the Technical Advisory and as noted in Section 13.4.2 of the Draft EIR, heavy-duty truck VMT is not required to be evaluated. The Proposed Project is an infrastructure construction project that is not a long-term generator of trips beyond those necessary for construction, unlike land development projects, which can have a substantial change in travel demand (i.e., increase VMT) post-construction. Even if heavy-duty trucks were to be considered, as explained under Global Response 5: Operational Impacts, the Proposed Project would not result in increased heavy-duty truck traffic related to cargo transport. Additionally, as stated in Draft EIR Section 13.4.3, the number of worker commute trips associated with future maintenance dredging events are not expected to change from baseline conditions. Therefore, the Proposed Project would not result in an increase in VMT because it would not result in a permanent increase in the amount and distance of automobile (i.e., passenger vehicle) travel, and the Draft EIR's transportation analysis did not violate CEQA guidelines. Please also refer to responses to comments EJC-89 through EJC-109 addressing the PSE Report.

EJC-40 Response:

The Draft EIR evaluated potential conflicts with WOCAP under Impact AIR-1, and the analysis considered WOCAP's circulation-related strategies for reducing exposure in West Oakland to pollutant emissions. Draft EIR Table 3.3-7 outlines the Proposed Project mitigation and features that align with WOCAP strategies applicable to the Proposed Project, including Strategy #26 for truck parking and container staging, #39 for truck routes, and #43 for studying the effects of truck traffic; the Draft EIR did not find the Proposed Project to be inconsistent or conflict with these strategies. Please also refer to Global Response 2: Community Engagement and Environmental Justice, addressing the Draft EIR's analysis related to WOCAP.

The comment references plans described in the Draft EIR Transportation Regulatory Setting (Section 3.14.2) related to goods movement (San Francisco Bay Area Goods Movement Plan), safety and emergency access (Emergency Response Plan for the San Francisco Bay Area), and parking (West Oakland Truck Management Plan); however, it does not identify specific plan policies that were not considered in the Draft EIR. The Draft EIR acknowledged under Impact TRA-1 that the Proposed Project's construction traffic, specifically delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system. This was identified as a potentially significant impact, and with Mitigation Measure TRA-1, requiring development and implementation of a Traffic Control Plan during construction, would be reduced to a less-than-significant level. As noted in Mitigation Measure TRA-1, the Traffic Control Plan would include measures to minimize impacts on vehicle, bicycle, and pedestrian circulation, maintain emergency access, and have designated

parking. Furthermore, potential impacts to emergency access and safety (including navigational) were analyzed under Impacts TRA-2 and TRA-3, respectively. As explained in Global Response 5: Operational Impacts, the Proposed Project would not in result operational traffic impacts, and therefore would not conflict with plan policies related to goods movement, safety and emergency access, or parking during Proposed Project operations.

EJC-41 Response:

The Draft EIR determined that the Proposed Project's impacts on local roadway, bicycle, and pedestrian circulation would be reduced to a less-than-significant level with implementation of a Traffic Control Plan as required by Mitigation Measure TRA-1, and the transportation mitigation does not itself cause any significant and unavoidable impacts; therefore, no additional or alternative mitigation is required. The comment does not suggest any specific criteria or performance standards that would further reduce the Proposed Project's transportation impacts.

Furthermore, in response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site. This equates to a 54 percent reduction in total construction truck trips from the Proposed Project in Oakland and Alameda as outlined in the Draft EIR, which would further reduce the already less-than-significant transportation impacts.

In addition, in consideration of the City of Alameda's comments, Mitigation Measure TRA-1 has been revised to include identification of construction staging areas; a designated point of contact for addressing inquiries and complaints pertaining to constructed-related traffic; and a measure for making information regarding the Proposed Project's schedule and associated truck traffic available to the City of Alameda and other interested parties, which would include proponents of other projects, as well as to the public, by posting on the project website.

EJC-42 Response:

As explained under response to comment EJC-39 and Global Response 5: Operational Impacts, the Proposed Project would not result in operational traffic impacts, and therefore would not contribute to cumulative impacts during operations. Please refer to response to comment EJC-41 addressing the adequacy of Mitigation Measure TRA-1.

EJC-43 Response:

The Proposed Project did evaluate reasonably foreseeable increases in GHG emissions. Construction GHG emissions were evaluated as well as waterside GHG emissions, except for anchorage. CEQA requires evaluation of the incremental change compared to baseline emissions. The incremental change for the Proposed Project operations used an allowed beginning of operational year as its baseline; therefore, the key operational differences are the waterside operations, including maintenance dredging. As described for air quality, landside operations would not be meaningfully different between the Proposed Project operation and No Project operation. As discussed earlier, anchorage emissions tend not to be tied to vessel sizes but influenced by other factors. Therefore, the meaningful GHG emissions for the Proposed Project to evaluate the incremental impact was evaluated. Please refer to Global Response 5: Operational Impacts for further discussion of these issues.

The results of the operation emissions indicated that there would likely be a net reduction in GHG emissions for operation when compared to the appropriate baseline selected. Furthermore, the GHG emissions were evaluated in context of being consistent with the goals and policies of SB 32 and other state goals as well as the latest Scoping Plan, which outlines how the state will achieve its GHG goals while still allowing for planned growth, including growth at the Port. Transportation sector regulations and future measures designed to achieve the emission reductions assumed as part of the Scoping Plan are applicable to the Proposed Project operations, including truck efficiency, low-carbon fuel standard, at-berth regulation, commercial harbor craft regulations, transition to ZEV and vessels, transitioning and enhancing electrical and alternative fuel infrastructure, and decarbonization of the electricity supply. These measures would result in reduction of operational GHG emissions associated with the Proposed Project. These regulations would reduce GHG emissions for both the Proposed Project and No Project scenarios. For a discussion of the Port's path to zero emissions in its 2020 and Beyond Plan refer to Global Response 3: Zero-Emissions Seaport. The majority of GHG reductions come from efficiency improvements and reduction in emission factors.

The commenters cite statements contained in the Port's Technical Memorandum MAQIP Update: Emissions Forecast and Potential Additional Reduction Strategies adopted in July of 2018 (MAQIP Update). The first statement: "Simply stated, if the cargo throughput doubles, this analysis assumes the source category activity will also double" is taken out of context in a general explanation of how emissions inventories work. For the analysis in the MAQIP Update, this statement conveys an inaccurate impression of the key assumptions used in the analysis that preserves a constant ratio of source activity for OGVs, tugs, trucks, cargo handling equipment, and locomotives to a given amount of cargo that passes through the Port represented as the TEU. The basis of the MAQIP Update inaccurately assumes that the number and hours of activity for a source such as OGVs and cargo handling equipment changes at the same rate as TEU cargo activity changes. Therefore, as TEU doubles, each source category activity is inaccurately assumed to double. Table 3.1-1 of the Draft EIR shows that in future years, fewer but larger ships (Proposed Project) move the same amount of cargo as a greater number of smaller ships (No Project). In addition, Table 2.3-1 of the Draft EIR shows a decreasing trend in the number of total vessel calls to move a relatively similar amount of cargo (fluctuating between 2.3 and 2.5 million TEU per year). Therefore, the statement that as TEU doubles, OGV activity doubles, is incorrect. In fact, the detailed analysis results for the Proposed Project include an increase in larger ships and a decrease is total vessel calls to move similar amount of cargo per year; thus, the overall OGV activity to handle double the throughput is less than double. Therefore, this statement in the MAQIP update is over-simplified and outdated

Similarly, the second statement from the MAQIP Update: "growth outpaces the emission reductions achieved by control strategies resulting in . . . increases in CO_2 emissions" is outdated because the MAQIP Update later describes potential additional strategies that can be implemented to reduce emission factors from sources that are technologically feasible. Many of these strategies shown in the MAQIP Update Table 2.4 are in the process of being implemented as required under state regulation and/or Port electrification projects and grants. This includes commercial harbor craft engine replacements as required under the 2023 Commercial Harbor Craft Regulation updates, updates to Port drayage trucks, and electrification of the Port of cargo handling equipment and trucks. Thus, this statement in the MAQIP is out of date as additional strategies have been enacted.

The commenters present information on increased cargo movement seen in 2021 during the global pandemic. Relying on these numbers is misleading, because they are not representative of traditional movements in the cargo handling supply chains, but rather represent anomalous shifts that occurred during the pandemic.

EJC-44 Response:

The comment makes certain assumptions about increasing need for shore power and crowding that are not an impact of the Proposed Project. Instead, the Proposed Project is intended to increase efficiencies and therefore should alleviate some of the concerns raised. It is also reasonable for the Port to rely on the applicable regulatory requirements, and that those requirements will be complied with given success of shore power use at the Port post-pandemic. The Port continues to find new ways to provide shore power at the Seaport so all vessels subject to the at-berth regulation have an opportunity to plug in. This includes plans for providing mobile shore power as well as finding ways to ensure vessels not subject to the at-berth regulation can still access shore power. Currently, a vessel exceeding 1,210 feet in length is restricted from using the Inner Harbor Turning Basin and can only dock on its port (left) side with its bow (front) of the vessel facing east. With the Proposed Project, such a vessel may use the widened turning basin to allow flexibility to dock on its port or starboard (right) side. The importance of this additional flexibility regarding shore power use is because some vessels are not constructed or retrofitted to connect to shore power on their port side. At times mechanical and equipment failure and breakdowns occur that only allow a vessel to connect to shore power on one side. Therefore, the Proposed Project would assist in providing vessels more opportunities to use shore power by reducing restrictions in its availability. In addition, with a vessel docked starboard side at the Inner Harbor with its bow facing west can more readily depart, which allows the berths to be more readily available for the next vessel. This and other efficiencies from the Proposed Project would alleviate perceived concerns regarding overcrowding. In addition, because fewer vessels calls are expected with the Proposed Project, they would call with greater schedule certainty, which allows for greater efficiencies landside because marine terminals would be able to better plan for their arrival (refer to Draft EIR, Section 2.3.2. Landside, Surge Cargo Movement).

The Port's statistics available on their website regarding shore power include the percentage of vessels that used shore power regardless if required under the at-berth regulation or not. In the past, several types of vessels and vessel call situations were exempt from the emission control requirements of the at-berth regulation. the overall vessel call shore power use percentage was lower. Under the current at-berth regulation, that has changed.

A recent audit by CARB of the at-berth regulation for the Port of Oakland terminals and vessels found that the vessel fleets and terminals at the Port of Oakland are generally 95 percent compliant with the current at-berth regulation, which is consistent with the expectations in the Draft and Final EIRs.[9]

EJC-45 Response:

Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of applicability of Oakland 2030 Equitable Climate Action Plan. The Port has developed its own plans for

[9] Email correspondence from Angela Csondes, CARB Air Resources Supervisor I to Tracy Fidell, Port of Oakland Senior Maritime Project Administrator, regarding the Port of Oakland's 2024 At Berth Regulation compliance rate, January 31, 2025.

establishing a zero-emissions Seaport in its 2020 and Beyond Plan described in Global Response 3: Zero-Emissions Seaport. The commenter misconstrues the differences in the necessary infrastructure required to use alternative and electric equipment and trucks, as well as the different types of trucks and equipment used in construction versus Port operations. Refer to Global Response 7: Air Quality Mitigation Measures, for a discussion of zero-emission equipment and vehicle feasibility.

EJC-46 Response:

The mitigation measure proposed for construction equipment is patterned after the Air District's recommended threshold, which has been adapted for measures relevant to the Proposed Project's construction, and enhanced by providing performance measures that are lacking in the Air District's measures. A typical fleet has a mix of ages of equipment and generally replaces only a portion of their fleet in any given year. Current regulations prohibit the addition of certain types of vehicles and equipment such as Tier 1 and Tier 2 engines that can be added to an existing fleet. The current regulations also require certain pieces of equipment and trucks to be retired or replaced as a percentage of the fleet over time to meet specified emission controls or ZEV specified in the regulations. This means that an equipment fleet that is compliant with the regulations has a mix of equipment emission technologies that improves over time and is not immediately 100 percent ZEV. The commenter misconstrues the use of drayage trucks for construction. The types of trucks that would be used for construction are not drayage trucks. Refer to Global Response 7: Air Quality Mitigation Measures for a discussion of zero-emission equipment and vehicle feasibility. In discussing the mitigation measure part for encouraging and providing carpools, shuttle vans, transit passes and or secure bicycle parking for construction workers. the commenter stated that they are unclear as to how this would function for construction crews with their equipment and vehicle fleets. For construction projects during staging and project ramp up, the heavy-duty construction equipment arrives on trucks or barges to the project site. Once on site, this equipment stays on site. The workers who would operate these pieces of equipment would commute daily to and from the project site. Trucks and their drivers may or may not arrive on site in the truck or travel to a site where the truck is staged. Because it is unknown exactly where the construction workers would be, the feasibility of different commute options would be variable and it is speculative to predict which mechanisms would be used and are feasible; however, this mitigation measure requirement means that the project contractor would be required to submit its plan for commuting to lower GHG emissions and justify the feasibility of these measures. The commenter does not understand how handling demolition debris and efficient water use relates to GHG emissions. Demolition debris that is sorted and recycled rather than going to a landfill reduces GHG emissions and the embodied energy in these recycled materials. Efficient water use reduces GHG emissions, because there are indirect GHG emissions associated with water use.

Please also refer to Global Response 5: Operational Impacts.

EJC-47 Response:

The Draft EIR Energy Section 3.6 gives a detailed discussion of energy resources and their use for the Proposed Project. Energy includes both fossil fuel and electricity sources. Allowing safer and more efficient vessel calls by larger vessels once the turning basins are complete would result in decreased per capita energy consumption, because the newer and larger vessels are more fuel efficient. The Proposed Project is decreasing the reliance on fossil fuels by requiring

electrical dredgers during construction of the turning basins. Therefore, this is working toward decreasing reliance on fossil fuels. Although this project does not have any renewable energy sources as part of its components, these are under consideration for the Port under its 2020 and Beyond Plan. Refer to the discussion for Impact ENE-2 for more information regarding the Proposed Project and renewable energy. In summary, all the criteria mentioned have been addressed in the Draft EIR. Please also refer to Global Response 3: Zero-Emissions Seaport regarding the Port's commitment to becoming a zero-emissions Seaport.

EJC-48 Response:

The comment's characterizations of the Draft EIR are incorrect. The Draft EIR did not assume cargo volumes would stay the same (unchanged from current volumes) under the Proposed Project, rather the rate of cargo growth would be the same under the Proposed Project and No Project scenarios. The Draft EIR reported fossil fuel and electricity consumption for construction and waterside operations, excluding at-berth, in Tables 3.6-4 and 3.6-5, and discussion of Impact ENE-1 for maintenance dredging. The Draft EIR states on page 3.6-17, "These larger vessels may require more power and time while at-berth than smaller vessels, and therefore would increase the electricity and potential peak load of electricity at the Seaport while at-berth compared to the No Project fleet. As electrification increases, Seaport operations would also continue to increase energy consumption as the Port implements its 2020 and Beyond Plan, which lays out a strategy to achieve future zero emissions, with electrification as the primary pathway toward zero emissions. The Plan includes substantial future investment in energy related infrastructure and purchasing of zero-emission vehicles and equipment." The discussion goes on to state that this impact is significant because it can affect local and regional energy supplies and infrastructure, and may result in brownouts if adequate electricity generation during peak demand is not available.

Please refer to Global Response 5: Operational Impacts and response to comment EJC-98.

EJC-49 Response:

Please refer to Global Response 1: CEQA Process, for a discussion of how the Proposed Project relates to other ongoing and future projects at the Port of Oakland. Please refer to Global Response 5: Operational Impacts, for a discussion of operational impacts and growth inducement. The Proposed Project's impacts in context with other projects are evaluated in the Draft EIR's cumulative effects section.

EJC-50 Response:

Refer to response to comment EJC-23.

EJC-51 Response:

Refer to Global Response 5: Operational Impacts for further details about landside operations with and without the Proposed Project.

As stated in Section 3.6.3, the Draft EIR's method of analysis evaluated six categories of potential energy-related environmental impacts as outlined in Appendix F of the CEQA Guidelines. Impacts ENE-1 and ENE-2 address all six of these criteria. The widening of the turning basins would create efficiencies in operations, which alone should create efficiencies in energy use. For example, a ship that can be more quickly and efficiently turned would use less energy in that process. And once turned, the ship would be able to more quickly plug in to shore

power. Furthermore, Impact ENE-2 does evaluate the Project's consistency with plans that address renewable energy. The Proposed Project does not impede the Port from installing other renewable energy or battery storage in the Seaport landside.

The majority of energy demand created by the Proposed Project is related to construction, as discussed in Sections 3.3 and 3.6 of the Draft EIR. As explained in more detail in Global Response 7: Air Quality Mitigation Measures, MM-AIR-1 requires the use of hybrid and zero-emission equipment to the extent feasible, based on commercial availability of such equipment. Therefore, Proposed Project construction has incorporated renewable energy and maximized energy efficiency.

At buildout, the Proposed Project would not increase overall energy demand. Because the Proposed Project does not include construction of buildings or other stationary structures, it is not feasible to incorporate solar panels or other forms of renewable energy for Proposed Project operation.

Furthermore, the analysis does discuss the Proposed Project's overall energy use. Mitigation is incorporated to reduce potentially significant energy impacts to a less-than-significant level. The comment does not identify why additional project changes would be required to conserve additional energy, nor does it identify any feasible ways to do so that are not already discussed.

EJC-52 Response:

Please refer to Global Response 5: Operational Impacts, for a discussion of operational impacts and growth inducement. The Draft EIR Energy section evaluated the Appendix F criteria and noted that there was a potentially significant impact to peak electricity demand. This was noted for construction and operation. During construction, Mitigation Measure ENE-1 requires electrical dredgers to switch to diesel until the peak electricity demand ceased. Similarly, the vessels calling the Port during operation do stop using shore power if similar peak electricity demand events occur as allowed for in CARB's most recent at berth regulation. The need for vessels to stop using shore power has occurred in the past, and will likely continue to occur, because it was explicitly added in the most recent regulatory changes to the at-berth regulation.

EJC-53 Response:

The Proposed Project is to increase the size of the turning basins and does not include all the infrastructure and equipment changes that will need to take place as the Port heads toward a zero-emission Seaport. Mitigation Measure AIR-1 requires use of zero-emission and hybrid-powered construction equipment, to the greatest extent possible. Please refer to Global Response 3: Zero-Emissions Seaport regarding the Port's 2020 and Beyond Plan, which outlines its path toward zero emissions. The Sustainable Freight Action Plan is the most relevant plan and more recent plan regarding energy and zero emissions for the Seaport operations, and was discussed in Impact ENE-2. Refer to Global Response 8: City of Oakland Plans and Policies, for a discussion of applicability of Oakland 2030 Equitable Climate Action Plan.

EJC-54 Response:

Please refer to responses to comments EJC-55 through EJC-64.

EJC-55 Response:

The comment incorrectly characterizes the analysis of impacts on biological resources in the Draft EIR. The analysis is not based on the premise that the aquatic habitat in and immediately adjacent to the proposed turning basin widening footprints is devoid of aquatic wildlife. The Draft EIR analysis accounts for dredging during the in-water work windows as well as the ability of special-status wildlife (if present) to avoid temporarily degraded areas of habitat. The Draft EIR analysis under Impact BIO-1 describes how adherence to the work windows, as proposed, would avoid impacts to salmonids and Pacific Herring because dredging would be conducted when these species are less likely to be present. Based on knowledge of fish habitats and monitoring data collected by the California Department of Fish and Wildlife, there is a low likelihood of Longfin Smelt occurring in Oakland Harbor. Green Sturgeon may be present in Oakland Harbor during the in-water construction period, but only in low densities. Juvenile and adult Green Sturgeon are mobile enough to avoid active dredging areas. The analysis further noted that given the abundance of suitable habitat in the surrounding waters of the Bay, special-status fish, birds, and marine mammals are expected to avoid localized areas of high turbidity during dredging, and would forage in other areas of the Bay.

The Draft EIR also analyzed noise impacts to marine mammals (including Pacific harbor seal, California sea lion, and harbor porpoise) under Impact BIO-1, and indicated that noise from dredging activities is comparable to ambient noise from shipping vessels, and therefore is not expected to cause harassment of marine mammals. The commenter's referenced Todd et al. paper on the effects of dredging on marine mammals indicates that based on existing literature, it is difficult to attribute specific dredging noise effects on marine mammals because shipping activity and other ambient industrial noise sources are often present where dredging is occurring; such is the case for ambient conditions at the Seaport. The Proposed Project is in a highly disturbed area with respect to underwater noise. In addition to existing noise from Seaport vessel traffic, water transit vessels (ferries), U.S. Coast Guard vessels, and motorized recreational vessels use the waters in and around Oakland Harbor; annual maintenance dredging is also an existing contributor to the underwater noise environment at the Seaport. Because marine mammals forage over large areas of the Bay, they can avoid areas of temporary noise disturbance as well as localized areas of increased turbidity from dredging operations. San Francisco Bay is naturally turbid, and in the Seaport area, propeller wash from vessel traffic contributes to elevated ambient turbidity levels. The Todd et al. study states that "sediment plumes are generally localized, and marine mammals reside often in turbid waters, so significant impacts from turbidity are improbable." The study further states that turbidity is unlikely to have a substantial direct impact on marine mammal foraging in naturally turbid environments because they use other senses, not solely vision, for foraging. This is consistent with the Draft EIR determination that marine mammals would not be substantially affected by the turbidity generated by the Proposed Project.

The comment asserts that the analysis of dredging impacts is inadequate because of an inappropriately narrow geographical scope and poorly defined project description; however, the comment does not specify what dredging impacts the Draft EIR did not analyze. The Proposed Project would only involve dredging to expand Oakland Harbor's Inner and Outer Harbor Turning Basins, not dredging in other locations; and as described in the biological resources and water quality impacts analyses, prior studies of dredging activities have shown the impacts to aquatic habitat during dredging to be temporary and localized to the immediate dredging area.

EJC-56 Response:

The Draft EIR did not analyze impacts related to ship strikes of marine mammals because large container vessels are already visiting the Seaport, so this is an existing condition that would continue with or without the Proposed Project. The commenter suggests large vessels are those that are equal to, or greater than 80 meters (or approximately 263 feet). In 2023, all container vessels that visited the Port were greater than 80 meters long and could be considered large under this criterion. Therefore, as the comment suggests, risks of whale and vessel encounters is not exclusive to ULCVs. In fact, several studies and reports (including those cited by commenter) have found that vessel speed is the primary risk factor for whale strikes and related whale fatalities. As supported by commenter's reference material (Dorman, et al.…Final Report) slow speed measures have been shown to reduce the risk of fatal vessel strikes on large whales and Vessel Speed Reduction (VSR) measures are a commonly used management tool. A VSR zone (10 knots or less) was implemented in 2012 for vessels 300 gross tons or greater (includes container vessels) transiting in and out of San Francisco Bay. This VSR zone also includes a designated International Maritime Organization Traffic Separation Scheme to organize the movement of vessels. In 2013, the approach Traffic Separation Scheme lanes were relocated and redefined to reduce risk of navigational safety and to reduce whale/vessel co-occurrence. Similarly, Bar Pilots navigate container vessels to/from the offshore pilot station and in the Bay at reduced speeds. Generally, larger container vessels require more time and distance to slow and stop and operate at lower speeds in confined areas than smaller container vessels. The Proposed Project accommodates larger container vessels and results in a decrease of total container vessels to service the same amount of cargo throughput. Therefore, the Proposed Project may in turn reduce (not increase) the likelihood of a container vessel striking a marine mammal in San Francisco Bay. Therefore, the Proposed Project would not have an impact related to increased marine mammal ship strikes.

In addition, advisory councils and work groups (to which the Port offers support or is a member) have and continue to discuss, recommend, and implement processes whereby the co-occurrence of large vessels and whales do not result in negative outcomes. The Port supports the Protecting Blue Whales and Blue Skies Incentive Program, which aims to motivate high cooperation with VSR requests. Most recently, the Port participated in the regularly occurring San Francisco Bay Harbor Safety Committee Marine Mammal Working Group (first in the nation), which proposed and received unanimous committee approval, to add a new section in the San Francisco Harbor Safety Plan to include the National Oceanic and Atmospheric Administration's Marine Mammal Guidelines. Dynamic reporting of whale sightings is being provided to the United States Coast Guard (USCG) and National Oceanic and Atmospheric Administration through the free Whale Alert, and San Francisco Bay vessel traffic service monitors whale sightings and provides live updates to all waterway users regarding nearby sighted whales (especially container vessels).

EJC-57 Response:

The Draft EIR did not analyze impacts related to increased noise impacts on aquatic species because large container vessels are already visiting the Seaport, so this is an existing condition that would continue with or without the Proposed Project. Sources cited by the commenters note that operational practices, such as reduced speed, effectively reduce noise from container vessels. As noted in the previous response, the Proposed Project would result in a reduction of the total number of container vessels delivering cargo to the Seaport, and larger ships require more time

to slow and stop and generally are operated at lower speeds in confined areas than smaller vessels. Therefore, because there would be fewer vessel calls and the larger vessels are operated at lower speeds, the Proposed Project is not expected to introduce significantly more noise into the marine environment.

Also, the Proposed Project is in a highly disturbed area with respect to underwater noise. In addition to existing noise from Seaport vessel traffic, water transit vessels (ferries), U.S. Coast Guard vessels, and motorized recreational vessels use the waters in and around Oakland Harbor. The Kaplan and Solomon study cited in the comment notes that "small [typically recreational] vessels can produce nearly continuous noise when they occur at high density in coastal waterways and have been shown to affect shallow-water soundscapes in significant ways." These sources would continue to contribute to ambient underwater noise levels in the Bay with or without the Proposed Project.

EJC-58 Response:

The Draft EIR analysis of pile-driving sound effects on fish does not rely solely on an assumption that fish would disperse to avoid physical injury from pile-driving. The analysis under Impact BIO-1 indicated that with use of a bubble curtain or similar underwater noise reduction system, as proposed under Mitigation Measure BIO-1C, impact pile driving would not be expected to generate noise exceeding the physical injury threshold for fish. The bubble curtain and other measures proposed under Mitigation Measure BIO-1C are industry standard and agency-approved practices for reducing underwater sound impacts on fish and marine mammals from pile driving. As the federal lead agency, the USACE consulted with the National Marine Fisheries Service and United States Fish and Wildlife Service regarding the potential effects of the Proposed Project on special-status fish pursuant to Section 7 of the federal Endangered Species Act. Both agencies concurred with the determination that the Proposed Project is not likely to adversely affect fish species protected under the federal Endangered Species Act that may occur in the project area, including fish species that are also listed under state law.

EJC-59 Response:

The comment incorrectly assumes that an increase of larger vessels would correlate to an increased risk of oil spills in the future. The risk of an oil spill is influenced by a variety of conditions and factors specific to weather and sea conditions, port operations, navigable waterway particulars, and vessel-specific factors. Weather and environmental conditions such as wind and currents can make navigation challenging, especially in narrow turning basins. Vessel condition, age, and maintenance, including hull design and integrity, engines, and adherence to proper maintenance standards, are crucial for driving down the risk of an oil spill. Navigation and maneuverability in a port can also impact risk. The limited width of the existing IHTB and OHTB results not only in navigation inefficiencies, but may also increase the risk of groundings or allisions that could result in safety and environmental risks, such as oil spills.

Large vessels already call the Seaport, and terminal operators manage the loading and unloading of both large and small vessels today. The comment argues that simply the increase in calls from larger container vessels with additional oil results in more risk. However, considering the total vessel calls by ship type with their average fuel tank size, there would theoretically still be less total fuel transiting the Bay with the Proposed Project. Although it would be impossible to predict the exact volume of fuel at any moment across all the vessel calls, a rough approximate total amount of fuel can be achieved. Using a total fuel capacity of 1 million gallons for SPX,

1.5 million gallons for PPX, 2 million gallons for PPX1, 2.5 million gallons for PPX, 3.5 million gallons for PPX3, and 4.5 million gallons for PPX4 annually, 6,645.5 million gallons of fuel capacity would call at the Port under the 2050 No Project scenario, compared to 6,606.5 gallons of fuel under the 2050 Proposed Project scenario (Table G-19).

Table G-19 Fuel Capacity by Vessel Size for the 2050 No Project and Proposed Project Scenarios

Vessel Type	Fuel Tank in Millions of Gallons	Vessel Calls- No Project 2050	Total Annual Fuel- No Project 2050	Vessel Calls- Proposed Project 2050	Total Annual Fuel- Proposed Project 2050
SPX	1	149	149	52	52
PPX	1.5	126	189	26	39
PPX1	2	518	1036	92	184
PPX2	2.5	701	1,752.5	397	992.5
PPX3	3.5	675	2,362.5	880	3,080
PPX4	4.5	257	1,156.5	502	2,259
Total		**2,426**	**6,645.5**	**1,949**	**6,606.5**

Furthermore, marine vessel diesel fuel use would also be less under the Proposed Project, at 12,665,542 gallons, compared to 13,964,768 gallons under the No Project scenario in the year 2050 (refer to Draft EIR Table 3.6-5). The comment's contention that the Proposed Project would result in more oil spill risks is unfounded.

Large vessels already call the Port, and the necessary number and size of tugboats to support them are already operating in the Bay. These large vessels are expected to continue calling the Port regardless of the Proposed Project. As a result, the Proposed Project is not expected to cause changes in the number and size of tugboats operating in the Bay. Therefore, commenter's assertion that the Proposed Project would directly increase the risk or severity of oil spills and other discharges is unfounded, and the risk of oil spills from tugboats would remain the same with or without the Proposed Project.

EJC-60 Response:

The work windows are an avoidance and minimization measure developed by regional experts and regulatory agencies. These programmatic work windows are based on presence/absence information for various sensitive species, and establish times and locations wherein maintenance dredging and disposal activities may take place without further consultation pursuant to the federal Endangered Species Act. Although the work windows were established for maintenance dredging projects, these work windows are often considered when evaluating potential project impacts associated with new dredging and other types of in-water work. All dredging and in-water construction activities for the Proposed Project would occur during the in-water work window for special-status salmonids (June 1 through November 30). As the federal lead agency, the USACE consulted with NMFS and USFWS regarding the potential effects of the Proposed Project on special-status species and regional wildlife. Both agencies have concurred with the

determination that the Proposed Project is not likely to adversely affect species protected under the federal Endangered Species Act that are known to occur or potentially occur in the Proposed Project area. This Final EIR Biological Resources Section (3.4) has been updated to reflect the completion of these federal Endangered Species Act consultations. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. Working outside of these windows would require additional coordination with the regulatory agencies. The Draft EIR indicated maintenance dredging, which would be conducted in the future by the USACE, is typically scheduled to be completed during the in-water work window for special-status salmonids, and the USACE would consult with NMFS, as necessary, for maintenance dredging outside of this work window or applicable work windows for other species.

The work windows vary by species and geographic location in San Francisco Bay. Based on the Proposed Project construction activities and species known or with potential to occur in the Proposed Project area, the window for special-status salmonids (June 1 through November 30) is the most relevant work window for the Proposed Project. USACE consulted with USFWS on the Proposed Project, and USFWS has agreed with the determination concurred with the determination that the Proposed Project is not likely to adversely affect least tern; therefore, no additional mitigation is required. The Proposed Project is 1.5 miles away from the nearest least tern colony in Alameda, and the Proposed Project is not expected to result in "take" of least tern. The Alameda Colony prefers foraging in the shallows off Bay Farm Island and along the southern Alameda shoreline. This is documented in the 5-year least tern foraging study conducted for the Oakland Harbor 50-Foot Navigation Project. The USACE and Port restoration at the Middle Harbor Enhancement Area also supports some foraging that appears to be increasing. The deep waters of the turning basins do not support the common fish prey of the Alameda Colony.

EJC-61 Response:

Please refer to response to comment EJC-60. Commitment to working within these windows is documented in the federal Endangered Species Act consultations for the Proposed Project. The Draft EIR imposes feasible and enforceable mitigation to reduce potentially significant impacts to least tern to a less-than-significant level, particularly given the distance to the Alameda Colony and other manmade and natural barriers around the turning basins.

EJC-62 Response:

As described in the Project Description under Dredging in Section 2.5.3, dredging and dredged material transport over water would be conducted in a manner to minimize effects from suspended sediment. This includes use of an environmental bucket (a bucket equipped with rubber seals to minimize release of sediment during dredging), restrictions on excess water discharges from barges, and not overfilling transport barges. Both the Draft EIR biological resources and water quality impact analyses evaluated impacts related to resuspension of contaminants in the water column, and concluded these impacts would be less than significant with implementation of proposed mitigation measures. The Draft EIR biological resources impact analysis under Impact BIO-1 evaluated the potential effects of contaminant resuspension on special-status marine wildlife. Citing previous studies conducted for dredging activities, the analysis (Draft EIR page 3.4-24) indicated that direct short-term effects on sensitive fish by contaminants associated with dredging plumes have been shown to be minor. The analysis

further noted that given the abundance of suitable habitat in the surrounding waters of the Bay, special-status fish, birds, and marine mammals are expected to avoid localized areas of high-turbidity plumes during dredging, and forage in other areas of the Bay. To reduce potential exposure of marine wildlife to resuspended contaminants, Mitigation Measure BIO-1A would require use of silt curtains during in-water construction in areas where sediment contains chemical contaminants with potential to cause adverse water quality conditions, as determined through the pre-construction sediment quality characterization. Use of silt curtains would contain suspended sediment, including sediment that may contain elevated contaminant levels, to the immediate work area where it would resettle to the Bay floor.

Please also refer to response to comment EJC-64 specific to the Draft EIR water quality analysis.

EJC-63 Response:

Contaminant resuspension that may occur during dredging for the Proposed Project construction is not expected to interplay with climate change effects to result in increased effects to fish and wildlife species. The Avala et al. study cited in the comment was for a simulation period from 2005 to 2099. The study indicated projected mercury and PCB concentrations for the studied wildlife categories varied over time during the simulation period with sustained trends of increased bioaccumulation occurring toward the end of the century 2070-2099, which is approximately 40 years after the Proposed Project would be constructed. The comment does not raise any specific issue with respect to how climate change would affect the analysis between now and when construction is expected to be completed.

EJC-64 Response:

The Draft EIR Hydrology and Water Quality impact analysis (Section 3.10.4) under Impacts HYD-1 and HYD-5 acknowledges that the impact to surface water quality as a result of contaminant resuspension during dredging would be potentially significant. This analysis considered existing sediment data available for the project sites and recent pore water sampling in the basin between Howard Terminal and Schnitzer/Radius Recycling. To reduce this impact to a less-than-significant level, the Draft EIR includes Mitigation Measures HYD-1, requiring use of silt curtains during in-water construction in areas where sediment contains chemical contaminants with potential to cause adverse water quality conditions, as determined through the pre-construction sediment quality characterization. The Draft EIR project description (page 2-33) states that a Water Quality Monitoring Plan would be developed, as required by project permits, that specifies sample locations, depths, constituents, and objectives during in-water construction work.

EJC-65 Response:

Please refer to responses to comments EJC-66 through EJC-73.

EJC-66 Response:

Section 15125 of the CEQA Guidelines states that the description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of a proposed project and its alternatives. Therefore, the Draft EIR Hazards and Hazardous Materials Environmental Setting (Section 3.9.1) described the environmental setting as relevant to the Proposed Project's potential to result in impacts under the CEQA Guidelines Appendix G evaluation criteria for hazards and hazardous materials. The analysis area for hazards and

hazardous materials impacts consisted of the areas where the Proposed Project's construction activities would occur: the Inner and Outer Harbor Channels and Turning Basins, landside portions of Howard Terminal and the Alameda Site, and Berths 10 and 26, along with the immediately adjacent areas and anticipated staging areas. These are the areas where the Proposed Project would have the potential to result in hazardous materials impacts from the routine use or an accidental spill of hazardous materials used in construction, or from ground-disturbing activities at Howard Terminal and the Alameda Site due to historical subsurface contamination at these sites. Therefore, including an exhaustive description of the contaminated sites and hazardous materials setting for all of San Francisco Bay in the Draft EIR environmental setting, as suggested by the comment, is not relevant to providing an understanding of the Proposed Project's potential impacts related to hazards and hazardous materials. Additional information regarding the Alameda Site, including the applicability of an existing land use covenant due to historical contamination and related necessary coordination with and approvals from DTSC, has been added in this Final EIR under the Hazards and Hazardous Materials Regulatory Setting, Section 3.9.2. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. To the extent water quality in San Francisco Bay has been impacted by industrial activities in the region, those conditions are described in the Draft EIR Hydrology/Water Quality Environmental Setting (Section 3.10.1).

Regarding the conditions of sediment in the basin between Howard Terminal and Schnitzer Steel/Radius Recycling, the Draft EIR hazardous materials impact analysis (Section 3.9.4) described under Impact HAZ-1 that sediment testing would be conducted during the Proposed Project pre-construction engineering and design phase, and the results would be reviewed by the Dredged Material Management Office to identify appropriate placement site options based on the characteristics of the sediment and criteria for each placement location. Dredged sediment that does not meet the criteria for placement at a permitted beneficial reuse site would be hauled to an appropriate landfill. The testing, handling, removal, and disposal of the dredged sediment would be conducted in accordance with existing federal, state, and local regulations. The required compliance with the applicable regulatory acceptance criteria would ensure that the dredged material is managed in accordance with applicable federal, state, and local laws and regulations so that dredging and disposal of sediment from this basin would not create a significant hazard to the public or the environment related to the release of hazardous materials. Furthermore, the Draft EIR acknowledged under Impact HYD-1 that the Proposed Project has potential to degrade surface water quality during construction through the resuspension of contaminants when dredging in areas with elevated contaminant concentrations, and proposed Mitigation Measure HYD-1 to reduce this impact to a less-than-significant level. Mitigation Measure HYD-1 would require use of silt curtains during in-water construction in areas where sediment contains chemical contaminants with potential to cause adverse water quality conditions, as determined through the pre-construction sediment quality characterization, and as required by Proposed Project permits, such as the Water Quality Certification from the RWQCB.

EJC-67 Response:

The volume of dredged material (454,400 cubic yards) stated in Draft EIR Table 2.5-3 is the correct volume that was estimated to be suitable for beneficial reuse as cover material. The 157,000-cubic-yard volume cited in the USACE's Revised Draft EA was corrected to 454,000 cubic yards in the USACE’s Final EA (p. 146; Table 42).

Regarding disclosure of where dredged materials would be placed, as stated in Draft EIR Section 2.5.4, material to be excavated and dredged would be characterized (i.e., sampled and subjected to laboratory analysis) to determine whether it would be suitable for beneficial reuse (for the protection, restoration, or creation of aquatic wetland habitats) or would require disposal at a landfill. For the purposes of the Draft EIR, the anticipated landfills to accept material from the Proposed Project include the Kettleman Hills Class I permitted landfill at 35251 Old Skyline Road in Kettleman City, California, and the Keller Canyon Class II permitted landfill at 901 Bailey Road in unincorporated Contra Costa County near Pittsburg, California; these landfills were identified as the Class I and Class II landfills nearest to the Proposed Project sites that are expected to have sufficient capacity at the time of the Proposed Project's construction. Similarly, the assumed beneficial reuse site is the Montezuma Wetlands Restoration Project at 1485 Collinsville Road, Birds Landing, in Solano County. These landfills and beneficial reuse site were determined to be the mostly likely locations for the receipt of the Proposed Project's excavated and dredged material based on information available at the time of the Draft EIR preparation.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. The Proposed Project has been revised in this Final EIR to reflect that material destined for a Class II (nonhazardous) landfill would be transported by barge to the Montezuma Handling Facility, consisting of a small portion of the Montezuma Wetlands Restoration site (at 1285 Collinsville Road, Suisun City, CA 94585, where it would be offloaded and put on trucks for transport to the Potrero Hills Class II permitted landfill, 17 miles from Montezuma Wetlands, instead of being transported by truck from the Proposed Project sites to the Keller Canyon Landfill. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information.

This assumption regarding the Montezuma Wetlands Restoration Project as the beneficial reuse site was developed based on available information at the time of Draft EIR preparation for the beneficial reuse sites currently permitted in San Francisco Bay. The Port selected the Montezuma Wetlands Restoration Project as the most likely location to have capacity available for the cover- and noncover dredged material. This was also a conservative assumption as the farthest likely beneficial reuse site from the Seaport for the purpose of analyzing impacts associated with the transport of dredged materials, such as air quality and greenhouse gases. At the time of this Response to Comments and Final EIR preparation, the Montezuma Wetlands Restoration Project has capacity to accept 1.5 million cubic yards for foundation material and 15 million cubic yards for cover material. However, Draft EIR Section 3.9.1 identified additional candidate beneficial reuse sites, including the Cullinan Ranch and Restoration Project site in Napa and Solano Counties in the San Pablo Bay National Wildlife Refuge for wetland beneficial reuse, and the Eden Landing Ecological Reserve on the Hayward/Union City shoreline for upland beneficial reuse. Notably, dredged material has market value and is not considered waste in the same manner as the material that would only be suitable for a landfill, which creates an opportunity for competition amongst beneficial reuse site operators. Therefore, the possibility remains that another similarly situated, or perhaps even a beneficial site that is closer in proximity, may be available at the time of construction.

In summary, disposal and beneficial reuse locations could change during the project pre-construction engineering and design phase based on the results of the soil and sediment

characterization and Dredged Material Management Office review and approval, as well as other factors (cost and available facility capacity at the time of construction). For these reasons, the Port cannot state with absolute certainty in the EIR what amount of material would go to a particular beneficial reuse site or landfill. However, because the excavated and dredged materials would be transported to permitted facilities at similar or shorter distances than those assumed in the Draft EIR, a change in the landfill or beneficial reuse site would not be expected to materially change the findings of the Draft EIR. The handling and transport of dredged material was analyzed in the Draft EIR; and to the extent these activities would contribute to potentially significant impacts (e.g., air quality), mitigation measures were proposed to lessen or avoid impacts. Section 2.5.4 of this Final EIR has been updated to reflect Montezuma Wetlands Restoration Project's current capacity, explain why it remains a conservative assumption for the purpose of the environmental impact analysis, and note additional beneficial reuse sites that could be used. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5 and does not require recirculation of the Draft EIR.

EJC-68 Response:

As stated in Section 2.5.4 of the Draft EIR, a sampling and analysis plan would be developed and implemented prior to construction to characterize soils and sediment to be removed or exposed to inform proper management and disposal of such material during construction. The sampling and analysis plan would identify sampling locations in the areas to be excavated and dredged, sampling protocols, and the physical and chemical parameters for laboratory analysis of collected samples. The results of the laboratory analysis would be compared to specific acceptance criteria for a given beneficial reuse site or landfill to determine where the material may be placed. Subsurface conditions beneath both Howard Terminal and the Alameda Site have been impacted by historic industrial uses, and both properties are under the regulatory jurisdiction of the DTSC; therefore, sampling and analysis at Howard Terminal and the Alameda Site would be coordinated with DTSC.

The handling and disposal of waste, including hazardous materials, during construction would be performed in accordance with applicable laws and regulations described in the Draft EIR Hazardous Materials Regulatory Setting (Section 3.9.2). Under the California Hazardous Waste Control Act, DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The transportation of hazardous materials is also regulated by the U.S. Department of Transportation, Caltrans, and the California Highway Patrol. All hazardous and nonhazardous material requiring landfill disposal would be sampled and profiled for landfill acceptance prior to transport to a permitted landfill facility. Transport of the material would occur in covered trucks (refer to response to comment EJC-69). Hauling of material classified as hazardous would comply with all applicable laws and regulations and would be tracked using waste manifests. As described in the Draft EIR under HAZ-1, with required compliance with the numerous laws and regulatory oversight that govern the transportation, handling, and disposal of hazardous materials, the Proposed Project would not create a significant hazard to the public or the environment. Operation of the Kettleman Hills landfill was previously authorized by federal and state permits; therefore, analysis of the environmental effects of this facility's operation in the Proposed Project's EIR is not required. Kettleman Hills was identified as the Class I (hazardous) landfill nearest to the Proposed Project that is expected to have sufficient capacity at the time of the Proposed Project's construction. The landfill is more than 3.5 miles away from Kettleman City at a remote area on Highway 41.

EJC-69 Response:

Transport of excavated and dredged material would not result in releases that would have a significant adverse effect on the environment (refer to response to comment EJC-68). The only subsurface material anticipated to potentially be classified as hazardous waste requiring appropriate disposal at a Class I (hazardous) landfill are materials generated from landside excavation activities. Such materials would be excavated, and either directly placed onto trucks, or stored in stockpile(s) for loading onto a truck at a later time (Draft EIR page 2-31). Mitigation Measure AIR-1: Construction Air Quality Mitigation, requires soil piles to be watered twice per day, and all haul trucks transporting soil, sand, or other loose material off site to be covered. These measures would minimize the potential for fugitive dust to be generated at the construction site or during truck transport of excavated materials classified as hazardous waste.

Based on review of historical soil and sediment quality data, material classified as hazardous waste is not expected to be present in materials to be dredged—only in soils excavated landside as noted above. The Draft EIR (page 2-33) describes how dredged material not suitable for beneficial reuse would be placed at Berth 10 for rehandling prior to continued transport to a Class II (nonhazardous material) landfill. Dredged material would be loaded into a scow and transported to Berth 10; restrictions on overflow or decant water (excess water off of the dredged sediment) (Draft EIR page 2-33) would prevent discharges from dredged material during transit to Berth 10. When sufficiently dried, the material would be loaded onto trucks for transport to a Class II landfill; the trucks would be covered in accordance with Mitigation Measure AIR-1. With the Proposed Project revised in this Final EIR to include barging the majority of anticipated Class II nonhazardous waste from the landside excavation activities at Howard Terminal and the Alameda Site, Class II (nonhazardous) dredged material from the Inner Harbor may also be barged to Montezuma, rather than barged to Berth 10 for rehandling followed by transport via truck to a Class II landfill.

As described in the Draft EIR under Impact HAZ-1, hazardous materials may also be encountered during the demolition of existing buildings and utilities. Demolition activities that may disturb or require the removal of hazardous building materials are required to be inspected and/or tested for the presence of hazardous building materials. If present at concentrations above regulatory action levels, hazardous building materials must be managed and disposed of in accordance with the existing laws and regulations described in Section 3.9.2. With required compliance with the numerous laws and regulatory oversight that govern the transportation, handling, and disposal of hazardous materials, the Proposed Project would not create a significant hazard to the public or the environment from the removal, handling, transport, or disposal of hazardous building materials.

The comment does not identify any specific hazard that it believes is inadequately analyzed or addressed in the Draft EIR.

EJC-70 Response:

Conservative estimates for material that would either require landfill disposal (as nonhazardous or hazardous waste) or could be beneficially reused were derived from existing sediment quality data collected for the Oakland Harbor -50-Foot Deepening Project and previous subsurface investigations conducted at the project sites, along with review of geologic maps. Howard Terminal and the Alameda Site have undergone years of subsurface investigation and remedial activities under the oversight of DTSC, and remain under land use covenants subject to DTSC's

jurisdiction. The contaminant conditions at these sites remain from historical uses; no changes in land use or recent reported spills have occurred that would render the existing data insufficient for analyzing the Proposed Project's potential impacts. As described above, additional soil and sediment characterization would be performed prior to construction to confirm conditions, and the Draft EIR addressed potential impacts related to the hazardous materials anticipated to be encountered and determined they would be less than significant (please refer to responses to comments EJC-66 through EJC-68). Therefore, although it is possible that based on the soil and sediment characterization conducted during the pre-construction engineering and design phase, the volumes of excavated and dredged material requiring disposal at a Class I (hazardous waste) or Class II (nonhazardous waste) landfill may differ somewhat from the conservative estimates provided in the Draft EIR, the Draft EIR's findings related to the removal, handling, transport, or disposal of hazardous materials would not change.

EJC-71 Response:

The Draft EIR did analyze hazardous materials impacts related to future maintenance dredging under Impact HAZ-1 and determined these activities would not create a significant hazard to the public or the environment. The analysis states that future maintenance dredging of the widened areas of the turning basins would be confined to the removal of sediment accumulated since the last dredging event. Sediment deposited since the previous dredging activities would not be expected to contain elevated levels of contaminants, because sediment testing results for previous USACE maintenance dredging episodes indicate that, in general, dredged materials are suitable for aquatic disposal and do not require disposal at a landfill (USACE and RWQCB 2015). Future maintenance dredging events would be subject to sediment characterization and Dredged Material Management Office, and the testing, handling, removal, and disposal of the dredged sediment would be conducted in accordance with existing federal, state, and local regulations.

EJC-72 Response:

The Draft EIR (pages 2-37 and 2-38) describes how material to be excavated or dredged would be sampled and subjected to laboratory analysis prior to construction to determine whether it would be suitable for beneficial reuse, or would require disposal at a landfill (Class I permitted landfill [for hazardous material] or a Class II permitted landfill [for nonhazardous material]). In accordance with regulatory permitting requirements, this sampling and analysis effort would be completed prior to, not during, construction so that the Dredged Material Management Office can approve the beneficial reuse and disposal locations prior to removal of sediment. The Draft EIR analysis did not identify any potentially significant impacts related to hazardous materials, and therefore no mitigation is required.

Please also refer to responses to comments EJC-66 and EJC-68 through EJC-71.

EJC-73 Response:

Please refer to Global Response 7: Air Quality Mitigation Measures for a discussion of fugitive dust. Clean dredged material would be transported on scows to a beneficial reuse site while it is still wet, and would not be expected to generate fugitive dust. Nonhazardous dredged material that is temporarily stored at Berth 10 for some drying before further transport for disposal would still have high moisture content at the time of transport that would inhibit fugitive dust formation. Mitigation Measure AIR-1: Construction Air Quality Mitigation, requires soil piles to

be watered twice per day and all haul trucks transporting soil, sand, or other loose material off site to be covered. These measures would minimize the potential for fugitive dust to be generated at the construction site or during truck transport of materials to a landfill.

EJC-74 Response:

Baseline noise levels considered in the Draft EIR analysis include noise measurements collected in 2019 and 2021; the comment does not establish why these data do not reflect conditions at the time of the NOP. The 2019 data were included because it provides the noise environment at sensitive receptors north of Howard Terminal. Additional noise measurement data were collected in 2021 for additional sensitive receptors that could be impacted by the Proposed Project in support of a Technical Noise Memorandum that was used to inform analysis of noise impacts for the proposed turning basins widening under NEPA by the USACE. Although these noise measurements were collected prior to publication of the NOP, they are representative of the noise environment in the Proposed Project area at the time of NOP publication. The Proposed Project is in a developed urban area and no land use changes occurred in the Proposed Project area that added or removed substantial operational sources of noise that would significantly change the ambient noise conditions between the time the noise measurements were collected and the date the NOP was published.

Furthermore, CEQA allows a lead agency to define existing conditions with historic conditions and does not require all studies relied on to be undertaken at the precise time the NOP is filed. (CEQA Guidelines, § 15125(a)(1).) "[T]he date for establishing baseline cannot be a rigid one. Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125.) The data relied on in defining existing conditions is "quintessentially a discretionary determination" of the lead agency (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 337). Therefore, historic conditions and averaged conditions may be, and commonly are used to accurately establish the baseline for purposes of environmental review under CEQA. (*Ibid*. [historic water use appropriately used as baseline although more recent water use has decreased]; *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 217-219 [no abuse of discretion in using 5-year average of mining volumes]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657-659 [4-year average of mine operations found to be appropriate baseline, provided that assumptions are clearly identified].) As stated above, the 2019 and 2021 noise measurement data the Draft EIR relied on are representative of ambient conditions at the time of the NOP.

EJC-75 Response:

The Proposed Project includes dredging 24 hours per day, 7 days per week (24/7) to complete all the in-water construction for the Proposed Project within the in-water regulatory work window of June 1 to November 30 during each construction year; no other construction activity is proposed to occur at night. If dredging was not performed 24/7, then the overall project construction schedule would need to be extended either outside the in-water work window or into a fourth in-water construction window in 2030. Both of these options would extend the overall duration of construction-related impacts, including noise and air quality. Furthermore, conducting in-water construction outside the in-water work window could result in significant impacts on special-status fish species. Therefore, although limiting dredging to daytime only

would avoid significant noise impacts from nighttime dredging, it was not proposed as mitigation because it would result in increased duration or magnitude of other environmental impacts. The comment does not suggest any additional feasible mitigation that could be incorporated.

The Draft EIR, under Impact NOI-1, noted that because the proposed residences at Howard Terminal would be several stories in elevation in a tower structure, the use of a noise barrier would not be a feasible measure of further reducing nose levels. The comment does not suggest any additional feasible mitigation that could be incorporated. However, pursuant to Assembly Bill 1191 (the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act), because the Port and Oakland Athletics did not enter into a binding agreement by January 1, 2025 for construction of the Waterfront Ballpark District at Howard Terminal project, that portion of Howard Terminal which had been proposed for development of the ballpark district project reverted to a Port Priority Use Area under the San Francisco Bay Plan as of that date (refer to Section 3.11, Land Use, in this Final EIR). Therefore, the Waterfront Ballpark District at Howard Terminal project is no longer considered reasonably foreseeable and has been removed from the cumulative impact analysis in this Final EIR. As a result, the proposed residences that were included as part of the Waterfront Ballpark District project have been removed as a sensitive receptor in this Final EIR, and no significant and unavoidable impact would occur at this location. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR. Although redevelopment may still occur at Howard Terminal, there are no specific development proposals that are reasonably foreseeable at the time of this Final EIR publication for the purpose of consideration of cumulative impacts. Any future development at Howard Terminal must be consistent with the Port Priority Use Area designation. The Port Priority Use Area does not allow for residential development.

Alameda's nighttime noise standard would only be exceeded during combined nighttime operation of the dredge and tug. During dredging operations, tugboats (the primary noise source for dredging) would be operated to either assist with anchor moves for the dredge barge or to haul scows in and out of the dredge area. There could be two to three anchor moves per day by smaller assist tugs, with each move requiring approximately 1 hour of tug operation. Larger tugboats would be used to haul scows in and out of the dredge area approximately every 12 hours, which would also result in approximately 1 hour of tug operation in the IHTB. Therefore, the combined operation of the dredge and tug would only occur for short periods each day during the 24-hour dredging operation, not all of which would occur during nighttime hours. Exceedances of Alameda's nighttime noise standard during nighttime dredging would only occur at Bay 37 residences within 725 feet of the dredging activity that are either: 1) first- and second-floor residences along the waterfront that would have direct line-of-sight to the dredging operation (which would exclude the residences closest to the Alameda Site warehouses because the warehouse structures would serve as a noise barrier for those residences); and 2) the first line of third floor residences within this distance with direct line-of-sight to the dredging activity. Nighttime dredging within 725 feet of these residences would occur intermittently over approximately 4 weeks during the 2029 in-water work window (June 1 – November 30). As noted under Impact NOI-1, Section 13 31.4(b) of the City of Alameda's Municipal Code establishes an interior CNEL standard with windows closed, attributable to exterior sources not to exceed 45 dB in any habitable room. Assuming a standard building attenuation level of 20 dBA (US HUD 2009), nighttime interior noise levels at the Bay 37 waterfront units would be

at most 35 dB, which would equate to a CNEL value of 42 dB. Therefore, although exterior noise levels would exceed the City's 50 dBA exterior nighttime standard, interior noise levels would be below the City's 45 dB CNEL standard and residents would not experience any significant impacts inside the residences.

EJC-76 Response:

As the comment notes, PPX3 and PPX4 vessels already travel through the Golden Gate Bridge and San Francisco Bay before reaching the Seaport; therefore, the presence of these vessels in the visual landscape is already part of the existing visual setting in the Bay. The comment references the visual impacts along the coast and to neighboring communities from increased larger class vessel visits, citing an article on shipping delays during the unusual circumstances of the COVID-19 pandemic that resulted in increased container vessel queues off the Southern California coast; however, the cited article makes no statements or assertions regarding visual impacts. Transiting vessels are only part of the viewshed from a given standpoint temporarily, not a permanent fixture obscuring views from that standpoint. Under the Proposed Project, the proportion of larger class container vessels compared to smaller class container vessels is projected to increase, and fewer total vessels calls would be required to deliver the same amount of cargo to the Seaport. (i.e., there would be fewer total container vessels transiting through the Bay compared to the No Project scenario). Because PPX3 and PPX4 vessels are part of the existing visual setting of the Bay and visual impacts from transiting vessels are temporary, the incremental increase in larger class container vessel visits to the Seaport under the Proposed Project would not result in substantial adverse effects on scenic vistas, scenic resources, or the visual character of the Bay.

EJC-77 Response:

Please refer to responses to comments EJC-81, EJC-82, Global Response 3: Zero-Emissions Seaport, Global Response 2: Community Engagement and Environmental Justice, and Global Response 8: City of Oakland Plans and Policies.

EJC-78 Response:

Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of applicability of the Oakland General Plan.

EJC-79 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice, for a discussion of WOCAP. Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of relevancy of City of Oakland plans and policies to the Port. Please refer to response to comment EJC-103 addressing the PSE Report's assertions regarding toxic air contaminants and acute health impacts.

EJC-80 Response:

Refer to Global Response 8: City of Oakland Plans and Policies for a discussion of applicability of Oakland 2030 Equitable Climate Action Plan. The Port has developed its own plans for establishing a zero emissions Seaport in its 2020 and Beyond Plan described in Global Response 3: Zero-Emissions Seaport, summarizing the Port's efforts toward transitioning to a zero-emissions Seaport.

EJC-81 Response:

The comment asserts that land use policies in the West Oakland Community Action Plan should have been analyzed in the Draft EIR. Table 3.3-7 of the Draft EIR outlined the Proposed Project mitigation and features that align with WOCAP strategies that are applicable to the Proposed Project, including Strategy #19 for adopting an Electrical Infrastructure Plan for the maritime waterfront areas of Oakland. The Proposed Project does not involve any infrastructure improvements or operational changes related to shifting and enforcing truck routes and hours in the community (WOCAP Strategies #5 and #9) or removing barriers to adoption of zero-emission trucks (WOCAP Strategy #19); therefore, the Proposed Project would not conflict with these strategies. As noted in Table 3.3-7, the Proposed Project would install electrical infrastructure at Berth 26 and Howard Terminal that allows for electric dredging during the Proposed Project construction, which would be consistent with the Strategy #19 objective of adding electrical infrastructure at the Seaport.

EJC-82 Response:

The Draft EIR did not fail to analyze impacts to applicable land use plans; please refer to responses to comment EJC-81, Global Response 3: Zero-Emissions Seaport, Global Response 2: Community Engagement and Environmental Justice, and Global Response 8: City of Oakland Plans and Policies. Cumulative land use impacts are discussed in Section 4.12 of the Draft EIR. The cumulative impact analysis did not underestimate nor fail to consider land use impacts of the Proposed Project.

EJC-83 Response:

Please refer to response to comments EJC-84 and EJC-85. The Port will consider the Proposed Project's significant and unavoidable impacts, including cumulative impacts, in making a decision whether or not to approve the Proposed Project. As indicated under Global Response 2: Community Engagement and Environmental Justice, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations by bringing cleaner ships to the Port, which would improve air quality for West Oakland and other communities surrounding the Seaport.

EJC-84 Response:

The Draft EIR did not fail to disclose and consider changes to Port operations; please refer to Global Response 5: Operational Impacts, and response to comment EJC-5. Therefore, the cumulative impact analysis did not underestimate nor fail to consider impacts of the Proposed Project.

EJC-85 Response:

Please refer to Global Response 3: Zero-Emissions Seaport.

EJC-86 Response:

Please refer to responses to comments EJC-32, EJC-33, EJC-41, EJC-46, EJC-52, EJC-60, and EJC-61 addressing the referenced comments in Section IV of the letter pertaining to the specificity and enforceability of mitigation measures in the Draft EIR. To the extent that the comment suggests that the Port and/or contractors would not comply with the proposed mitigation measures or regulatory requirements, there is no evidence to support such a claim.

The Port has considered and responded to public comments regarding the Draft EIR's proposed mitigation measures as part of this Response to Comments appendix. For a discussion of community engagement activities conducted by the Port and USACE, refer to Global Response 2: Community Engagement and Environmental Justice. In addition, please refer to responses to comments Lee-1 through Lee-5 addressing U.S. Representative Barbra Lee's comment letter submitted to the Port.

EJC-87 Response:

Please refer to Global Response 1: CEQA Process and Global Response 2: Community Engagement and Environmental Justice. NEPA and CEQA are distinct and separate legal requirements under federal and state law, respectively. There is no legal obligation to combine review, and CEQA and NEPA impose different requirements for impacts analysis and mitigation. Furthermore, there are procedural and practical reasons the federal and state lead agencies in this instance decided to proceed independently, including the disparate timelines and content requirements between EA/FONSIs and EIRs.

EJC-88 Response:

Please refer to Global Response 1: CEQA Process.

EJC-89 Response:

Comment noted. Section 3.3, Air Quality, of the Draft EIR acknowledges existing conditions of the West Oakland community, including health risks considered as part of the environmental analysis.

EJC-90 Response:

Comment noted. As informed by subsequent responses to comments (refer to responses to comments EJC-91 through EJC-109), additional analysis for emissions and subsequent health risks is not warranted.

EJC-91 Response:

The modeling conducted to evaluate Proposed Project impacts to air quality, including dispersion modeling and the HRA, uses best available technology and sound scientific methodologies. The analysis of air quality impacts, including the HRA, is valid and supported by substantial evidence. Petitioners' suggestions to the contrary do not warrant revisions or additions to the EIR analysis.

The receptor grid used in the Proposed Project HRA had 31,092 receptors as described in Draft EIR Appendix C page 16. It was originally developed to contain the same model domain as WOCAP (7 kilometers by 5 kilometers) and then expanded for additional coverage in both Oakland and Alameda near the IHTB for a total distance covered by the HRA of 8.75 kilometers by 6 kilometers (5.4 miles by 3.7 miles), including the entire community of West Oakland and a portion of the City of Alameda. The receptor spacing used in this large modeling domain had areas of 20-meter, 50-meter and 250-meter spacing. Variation in receptor spacing is common in air dispersion modeling to ensure that the peak value is observed and to give a sense of the broader air dispersion impact. This is well stated in Appendix E of the Air District's 2022 CEQA Guidelines, which states "Refined modeling commonly uses Cartesian receptor grid, which is defined by an origin with receptor points evenly (uniform) or unevenly (nonuniform) spaced

around the origin… The grid should encompass the entire area of the project radius and be spaced appropriately to identify the most affected receptor…. Using a combination of fine, tightly spaced receptors near the source and coarse grid of receptors outside of the fine grid reduces the modeling time, but maintains sufficient resolution for identifying the maximum impact area." This guidance suggests a grid spacing of 50 meters for areas less than 325 meters from the project site. A detailed modeling domain in other areas was not necessary to capture the peak impacts from the Proposed Project's construction emissions. Had the modeling suggested that the peak health impact laid outside of the dense receptor modeling domain, additional modeling would have been warranted. This was not the case. The CEQA threshold is based on the highest impacted receptor and does not need to consider the impact of all individuals. The analysis appropriately placed receptors in the locations anticipated to be the highest area of impact from all of the Proposed Project's activities. There were no discrete receptors for schools, daycares, medical facilities, and other types of sensitive receptors other than residents that were in the peak area that would have had higher exposure factors than a residential child, which was used in the HRA to evaluate cancer risk. A search was done as part of the due diligence in determining the appropriate sensitive receptor was captured, which ensured that no other type of sensitive receptor was located near the project site that had a higher health impact than the resident child. Therefore, there was no need to further explicitly add additional discrete receptors to capture the maximum cancer risk, chronic HI, acute HI, and $PM_{2.5}$ concentration. The PSE Report's statement that the receptor grid spacing may not accurately capture impacts is unfounded and incorrect.

EJC-92 Response:

The commenter's suggestion that the Draft EIR should have conducted an HRA for operational impacts is without merit.

The Draft EIR adequately evaluated operational air quality impacts and concluded that the impacts would be less than significant; in fact, the analysis demonstrates that at Proposed Project buildout, emissions would be comparable to emissions under current conditions, and under projected future baseline conditions. The Draft EIR prepared an emission estimate of the water-based operations, excluding anchorage emissions. This was done because there was adequate information available to predict a difference in air emissions due to changes in vessel class and number of calls. Refer to Global Response 5: Operational Impacts, for a discussion regarding the evaluation of operational land-based emissions. In addition, as explained in Global Response 5, the Draft EIR's evaluation of operational emissions found there to be no material or identifiable difference between anchorage emissions for different vessel sizes, and therefore that such emissions would not be affected by the Proposed Project. The CEQA baseline used in the Draft EIR compared the first operational year 2030 and subsequent future years 2040 and 2050 to a No Project operational baseline in these years. Global Response 5 also includes a detailed response regarding the Draft EIR's evaluation of operational emissions, including operational emissions associated with maintenance dredging related to the increased size of the turning basins as well as the emissions of vessels transiting and maneuvering to and from the Seaport berths and at-berth emissions allowed by regulation and shore power energy use. Furthermore, in response to comments, the Port compared Proposed Project conditions to a current conditions baseline and again found no material difference in emissions.

Furthermore, health impacts associated with future conditions are reflected in the HRA conducted in 2019 as part of the WOCAP.

Because the growth in Port operations was already included in WOCAPs future scenarios, the Port has found the WOCAP's analysis to be a reasonable and accurate representation of the Seaport emissions, which includes the water and land-based sources. Regarding in-water seaport operations, as explained as part of Global Response 5: Operational Impacts, because the proportion of larger vessels (PPX2 through PPX4) compared to smaller vessels (SPX, PX, and PPX 1) is projected to increase, fewer total vessels calls would be required to service the same amount of cargo. Based on forecasts for future years (e.g., 2030, 2040, and 2050), as the proportion of larger class to smaller vessels increases over time, approximately 138 fewer vessel calls (year 2030) to approximately 477 fewer vessel calls (year 2050) would be required to transport the same amount of cargo to the Seaport under the Proposed Project compared to the No Project scenario (refer to the Draft EIR Table 3.1-1). The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. This response, including discussion of changes to operation-related emissions, anticipated percentage reductions in future years, is examined in the Draft EIR analysis for Air Quality (Section 3.3.4) under Impact AIR-2, and is responded to further under Global Response 5: Operational Impacts.

For the reasons discussed above, a Health Risk Assessment that evaluates operation-related activities is not warranted.

EJC-93 Response:

Please refer to responses to comments EJC-96 through EJC-105, which address the comments mentioned in Section 2 of the PSE Report.

EJC-94 Response:

Please refer to responses to comments EJC-106 and EJC-107, which address the comments mentioned in Section 3 of the PSE Report.

EJC-95 Response:

Please refer to responses to comments EJC-108 and EJC-109, which address the comments mentioned in Section 4 of the PSE Report.

EJC-96 Response:

In response to comments related to the impacts of operational emissions, claimed growth inducement, an evaluation of anchorage emissions, and the adequacy of the Proposed Project's Health Risk Assessment (HRA), refer to Global Response 5: Operational Impacts.

In addition, the Port has, therefore, provided detailed responses to comments EJC-97 through EJC-105 that inform to the Port's decision not to include the evaluation of operation-related activities as part of the HRA.

EJC-97 Response:

In response to comments related to the impacts of operational emissions and the adequacy of the Proposed Project's Health Risk Assessment (HRA), refer to Global Response 5: Operational Impacts.

Although the comment states there is evidence that ship size "may" impact anchorage emissions, no such evidence is presented. Conversely, there is substantial evidence to support the Draft EIR's conclusion. As explained in Global Response 5: Operational Impacts, a vessel's decision to anchor before or after it calls at a berth and the amount of time at berth is highly variable. Limited data, even those that are referenced by the commenter, do not support a determination that vessel size has a direct or indirect correlation to anchorage duration times. The data presented in the comments do not identify the appropriate number of bins (groups) to conduct the analysis, as the chosen three bins (over 350 meters, 300 to 350 meters, and under 300 meters) do not align well with the vessel classes that call the Port shown in the Draft EIR Table 2.3-2 (e.g., SPX, PX, PPX1, PPX2, PPX3, and PPX4) nor use another approach such as linear regression of the length. Evidence referenced by the commenter does not identify the specific data set used to determine anchorage vessels and anchorage times, nor the years the data sets were collected. To the contrary, the Port used recent data specific to the vessels at issue to evaluate the significance of anchorage time in evaluating emissions. A detailed statistical analysis of the 2023 anchorage data shows that there is not a statistical difference for the PX through PPX4 vessels to decide to go to anchorage, and for the time when a vessel decides to go to anchorage, and the time spent at anchorage. The most frequent outcome is not go to anchorage, which occurs 84 percent of the time over all vessel calls in 2023. This supports the decision to not include anchorage time as a distinguishable difference in annual emissions between the Proposed Project and No Project operational comparison. The Port has evaluated the limited and reliable data to distinguish a difference in the baseline emissions compared to the Proposed Project operations for water-based emissions. Based on these emissions for maintenance dredging and water-based NOx and DPM, emissions in the projected operation baseline would decrease. For additional detail, refer to Global Response 5: Operational Impacts.

EJC-98 Response:

This comment and the literature collectively referenced suggests that larger vessels would necessitate changes to landside operations. For a discussion of why land-side emissions were not explicitly calculated for this specific Draft EIR refer to Global Response 5: Operational Impacts. Global Response 5 also addresses operational impacts and growth inducement. The purpose of the Proposed Project is to provide navigational (i.e., maneuvering) improvements that address waterside inefficiencies and suboptimal conditions currently experienced by vessels in the Oakland Inner and Outer Harbors. Landside operational improvements are not a part of the Proposed Project, and as the Draft EIR demonstrates, would not be required as a result of the Proposed Project. Moreover, the comment's statement larger ships are "associated with" operational growth does not suggest that such growth is an effect of or caused by larger ships. In fact, the "growth" in landside operations, energy use, and emissions claimed by this comment is not a reasonably foreseeable impact of the Proposed Project.

Please refer to EJC-48 for a discussion regarding additional electricity demand.

EJC-99 Response:

In response to comments related to growth inducement, refer to Global Response 5: Operational Impacts. As described in this response, the purpose of the Proposed Project is to provide navigational (i.e., maneuvering) improvements that address waterside inefficiencies and suboptimal conditions currently experienced by vessels in the Oakland Inner and Outer Harbors. Landside operational improvements are not a part of the Proposed Project, and as the comment

acknowledges, changes that actually affect throughput constraints would be independently subject to CEQA review. The commenter's statement that growth could occur in the future is speculation.

For a discussion of why land-side emissions were not explicitly calculated for this specific Draft EIR, refer to Global Response 5: Operational Impacts.

EJC-100 Response:

Please refer to Global Response 5: Operational Impacts. As described in this response, the Proposed Project does not include landside operational improvements, such as expanding the yard surface, adding yard equipment, stacking containers, or use of operational software to increase the yard's handling capacity; nor would the Proposed Project cause such landslide improvements. The marine terminal's capacity is limited by the number of vessels it can accept; the terminal is considered "berth-constrained," or limited by how much cargo its landside facilities can service. These constraints determine the "maximum" amount of cargo a terminal can service in a discrete period (e.g., day, month, year). Analysis of possible landside operational improvements that may yield growth inducement would be speculative in nature and would be outside the scope of the EIR. For a discussion of why land-side emissions were not calculated for this specific Draft EIR, refer to Global Response 5: Operational Impacts.

EJC-101 Response:

Refer to Global Response 5: Operational Impacts. As described in this response and responses to comments EJC-99 and EJC-100, the Proposed Project does not include landside operational improvements and landside improvements, and/or landside operational efficiencies are not an objective of the Proposed Project. The Proposed Project also does not cause such landslide improvements, which can and may be considered and implemented independently. Private terminal operators independent of the Proposed Project have and continue to adapt to global market demands by replacing and upgrading landside facilities to handle all sizes of container vessels calling, including the large PPX4 category, which already call the Port. In addition, the Proposed Project would result in negligible changes in both truck demand and truck queuing.

EJC-102 Response:

Please refer to Global Response 5: Operational Impacts.

The Draft EIR determined that short-term peak activity under Proposed Project buildout would be equivalent to short-term peak activity already occurring at the Port when large ships call. Accordingly, peak emissions would not be any greater under the Proposed Project than they are now, and the acute (short-term) health risks would also not be any more severe.

For the short-term impacts of hourly and daily averaging times, the comparison would look at if there was a difference in the number of hours per day or equipment used at the same time to determine if there are differences in daily or hourly activity usage. As mentioned, there could be differences in these values when a large vessel is unloaded/loaded compared to a smaller vessel. The larger vessels may require more hours per day and more equipment operating at the same time for a longer stretch of time, perhaps for multiple days, but would have less intense work between vessels. Although it is noted that there may be differences in short-term activity with a larger vessel, under CEQA, the impacts to air quality are concerned with the incremental change between the maximum hourly or daily emission rate between the baseline and the Proposed

Project. Under both the baseline and the Proposed Project, large vessels will be calling the Port currently and in the future with or without the Proposed Project; the difference is in the number of such vessels calling annually. In this situation, the peak hourly or peak daily emissions may occur during service of large vessels. Therefore, the peak hourly and peak daily emissions would be the same for the baseline and the Proposed Project, and the net difference would again be zero.

Differences in emission rates due to factors that may slightly modify the emission rates, such as congestion and engine power loads, are not feasible to assess at a granular level and would require a significant amount of speculative assumptions to attempt to distinguish any minor differences in emission rates; the emission inventory would be speculative and based largely on the specific assumptions chosen. Given the speculative nature of the assumptions, any conclusions would be unreliable.

EJC-103 Response:

Acute and chronic noncancer health effects for construction were evaluated in the Draft EIR under Impact AIR-3 with supporting HRA analysis in Appendix C. The Draft EIR and the HRA provide quantified health risks for cancer, chronic noncancer health impacts, and acute health impacts for all toxic air contaminants (TACs) that have toxicity factors available from the California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) (refer to Appendix C, Health Risk Assessment for the Draft EIR). These directly describe how human health would be affected by the Proposed Project construction. As for the asserted increase in the acute hazard that is referenced by the commenter, refer to response to comment EJC-102, which shows that there is no material incremental increase in acute hazards related to peak hour and daily emissions, because large vessels currently call the Port—a trend that is not expected to change with or without the Proposed Project. As acknowledged in the Draft EIR, the acute hazard value would not change, but there would be an increase in the frequency of these peak events, and therefore, an increased frequency of these acute hazard health impacts. For acute health impacts, in general the impacts go away after exposure to emissions above a peak concentration threshold no longer occurs.

EJC-104 Response:

In response to comments related to potential for increases to cargo throughput at the seaport, refer to Global Response 5: Operational Impacts. At base, the commenter misconstrues the aim of the Proposed Project—to improve efficiencies and safety, not increase large vessels. Current trends with regard to larger vessels can and will continue with or without the Proposed Project.

In response to comments related to operational emissions and sufficiency of the HRA completed as part of the Draft EIR, refer to Global Response 5: Operational Impacts.

Additionally, refer to response to comment EJC-92.

EJC-105 Response:

Refer to Global Response 5: Operational Impacts. The Port is aware of data and estimation tools available to estimate changes in traffic and shipping emissions. As discussed in Global Response 5, the Port's cargo capacity and landside operations—elements that are independent of the Turning Basins—were assumed to remain constant for the purpose of the Draft EIR analysis.

Refer to Global Response 5: Operational Impacts for a discussion on the comparison of the CEQA baseline chosen and the differences to landside operations with respect to information available to develop an emissions inventory. Differences in emission rates due to factors such as congestion and engine power loads are speculative to assess at a granular level, and would require a significant amount of assumptions. To attempt to distinguish minor differences in emission rates and emissions inventories (if any) would be speculative and require assumptions chosen that may be inaccurate. This level of detail cannot be meaningfully conducted for future emission estimates and only attempted for emission inventories based on actual data to provide a historical emission inventory. The Eagle Rock Aggregates EIR referenced by the commenter was for a specific project that involved significant changes to landside facilities. The details used in the Eagle Rock inventory were based on limits established in the tenant's lease agreement with the Port as well as anticipated maximum air permit limits for stationary sources. At this time, further data from individual terminal operators are not available to disaggregate those changes in land-based operations resulting from landside improvements, as opposed to specific lease terms and air permit limits. Consequently, such assessment would be entirely speculative.

Furthermore, using data from existing inventories would give the same rate of trucks and or cargo handling equipment per TEU in the future, and because the same TEU is used in the operational baseline, there would be no difference shown. As discussed in EJC-97, there is no difference in anchorage times anticipated.

In response to comments related to operational emissions and sufficiency of the HRA completed as part of the Draft EIR, refer to Global Response 5: Operational Impacts.

EJC-106 Response:

The Draft EIR assumed that Port operations during construction were the same as current operational conditions and future projected operations in 2030, 2040, and 2050. No changes to operational activities are planned during construction, therefore there is no change in operational emissions for the major emission sources at the Seaport during construction. The Proposed Project's potential health impacts were evaluated in Section 3.3.4 Air Quality, Impact Analysis and Mitigation Measures.

EJC-107 Response:

The "Oakland International Airport Terminal Modernization and Development DEIR" had changes to operation that would result in new sources of emissions that did not exist previously.

The Proposed Project emissions during operation are a result of growth that would occur with or without the Proposed Project as well as anticipated change in fleet over time with increased number of longer vessels which the turning basins are designed to receive. This is discussed in more detail in the Draft EIR, Section 3.1 Introduction to Environmental Analysis. Additionally, the Proposed Project's potential health impacts were evaluated in Section 3.3.4 Air Quality, Impact Analysis and Mitigation Measures.

EJC-108 Response:

Refer to response to comment EJC-91 for a discussion of the receptors used in modeling for the health risk assessment. The receptor grid accounts for all types of receptors, including sensitive receptors. A dense receptor grid was used in areas anticipated to have the highest health impacts. The health risk assessment first determines the concentration of different TACs at a given

receptor location used in the AERMOD dispersion model. Once the concentrations are determined, the toxicity factors for the specific TAC as well as the exposure factors for a specific sensitive receptor type (e.g., resident child, daycare, education) are combined. For a given receptor location, the highest health impact would be seen for the exposure parameters for a resident child. Therefore, unless there is another type of sensitive receptor significantly closer than the location of the resident child, the resident child exposure factors will give the highest health impacts. As described in Appendix C of the Draft EIR, exposure factors for the resident child used the recommended Air District and OEHHA age-specific factors starting at in utero in third trimester, and continuing through the project construction time period in increments of third trimester to 2, and age 3 until end of the Proposed Project construction. Once the areas of greatest impact were determined, a manual search was used to determine the specific location of highest impact. This included looking at the specific land uses employing knowledge of the area, aerial photography, zoning information, as well as searches of state databases and google key word searches to determine locations of any other sensitive receptors that may be closer than the closest resident locations. In this case, although there were childcare facilities and schools near the locations of peak impact, these other sensitive receptors were not in a location that had a concentration of exposure high enough than the nearest resident location to the extent that the resulting health effects were higher than a resident child. The commenters do not present any specific locations or facilities that they think would have a higher health impact than the resident child identified in the health risk assessment.

EJC-109 Response:

The dispersion modeling used an appropriate receptor grid to evaluate air quality impacts. Commonly, in air dispersion modeling roadways and mobile source, travel paths are truncated once they reach a major roadway or move further away from the primary receptors anticipated to be most impacted. This is done for modeling time because these sources have been shown to have diminishing influence on the overall result. This can be seen by looking at these sources' contribution to the overall concentration or health impact at the peak receptor, which is used for significance determination. Receptors located further out along a road that the trucks would use would have lower health impacts than compared to the same trucks on roads closer to the other major source equipment used in construction of the Proposed Project. People exposed on a roadway would only be exposed for the short duration of a truck passing by rather than those near the many pieces of larger equipment working continuously.

The Air District CEQA threshold for health impacts is based on the maximum exposed sensitive receptor. therefore, even though there would be health impacts to sensitive receptors along Atlantic Avenue in West Alameda—Sugar Spice preschool, Peter Pan school, and Arcoiris Spanish Learning Academy—they are not a higher health impact than the maximum exposed sensitive receptor, which is a resident child identified in the EIR. The EIR went beyond its due diligence and reported the health impacts for several residences in Oakland and Alameda near the construction areas that are deemed to have the highest impact. Furthermore, detailed figures were shown of the contours of health impacts in Appendix C based on assuming all receptors modeled were a resident child. Because all other sensitive receptors have less exposure and a lower health impact than a resident child, the EIR already presents a worst-case health impact based on the contours presented in the figures.

The HRA used a truncated travel path for trucks and tugs due to diminishing contribution to total health impacts. If the truck and tug sources were extended further than their truncated travel paths, these extended sources would not make a change in the reported health impact to the appropriate number of significant digits on the most exposed residential receptors. The total emissions presented in Draft EIR Tables 3.3-9 through 3.3-13 are for the complete travel path anticipated and are not truncated—from the Proposed Project site to the Montezuma beneficial reuse site 50 nautical miles away. Trucks were also assumed to travel to a Class I landfill (Kettleman Hills Landfill), a Class II landfill assumed to be barged by tugs to Montezuma and loaded onto trucks assumed to be Portero Hills Landfill, a recycler assumed to be Argent Materials, and other miscellaneous material trips assumed to be the CalEEMod default of 20 miles. This is outlined in Table 8 of Appendix B to this Final EIR. Therefore, the Draft and Final EIRs accurately applied the appropriate methodology and best practices by including emissions for all anticipated travel paths in determining the emissions of and impacts from criteria air pollutants.

EJC-110 Response:

The USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/ Environmental Assessment. Please also refer to Global Response 1: CEQA Process addressing the separate CEQA and NEPA processes.

EJC-111 Response:

The USACE's Integrated Feasibility Report/Environmental Assessment is a separate document with the USACE as the NEPA lead agency. The NEPA process was completed on August 21, 2024, when the USACE issued a Finding of No Significant Impact. The Port, as the Lead Agency under CEQA, prepared the Draft EIR in accordance with CEQA Guidelines Sections 15000 et seq. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period. The USACE responded to the comments submitted during the NEPA process in both its Revised Draft Integrated Feasibility Report/Environmental Assessment and Final Integrated Feasibility Report/ Environmental Assessment. Please also refer to Global Response 1: CEQA Process addressing the separate CEQA and NEPA processes.

G.5.2.3 Earthjustice Supporters: Compilation of Comments from 4,106 Individuals Made through the Earthjustice Website (EJS)

Introduction:

The Port received a compilation of comments from 4,106 Earthjustice supporters; the compilation of comments in its entirety is included in Section G.6. The majority of these comments are similarly worded paragraphs that include the following comments: 1) express

concern/opposition to the Proposed Project; 2) inviting more large ships will have a detrimental effect on air pollution and increase truck traffic; 3) the Proposed Project will disproportionately impact West Oakland; 4) the Proposed Project could harm endangered species and water quality in San Francisco Bay; and 5) the Port should redo analysis and recirculate the Draft EIR. Based on review of comments received, the apparent template language that was used for the majority of Earthjustice supporters' comments included in the compilation is as follows:

> *"As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents."*

The responses to these five common theme comments are provided below. Where additional distinct comments were provided in the compilation (as presented in Section G.3), those comments are responded to below under EJS-1 through EJS-67; some of the comments include additional opinion statements that were determined to not warrant a response.

EJS Template Language Comment Responses

1) *As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor.*

Response:

Comment noted.

2) *Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic.*

Response:

Please refer to Global Response 5: Operational Impacts.

3) *Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.*

Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

4) *Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay.*

Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

5) *I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents*

Response:

Please refer to Global Response 1: CEQA Process.

EJS Additional Individual Comments

EJS-1 Response:

Comment noted. The Proposed Project is not designed to facilitate a shift to larger cargo vessels—that shift has and is already occurring. Rather, this Proposed Project is designed to ensure more efficient and safer turning of larger cargo vessels in the Oakland Turning Basins inner and outer harbors. Mitigation has been proposed, as feasible, to substantially lessen the extent of the Proposed Project's construction-related impacts that were determined to be potentially significant.

EJS-2 Response:

In deciding whether to approve the Proposed Project, the Board of Port Commissioners will consider the information and analysis in the Environmental Impact Report prepared by the Port as the CEQA Lead Agency, including information on feasible mitigation and a range of alternatives to lessen environmental impacts. Regarding the Proposed Project's impacts to West Oakland, please refer to Global Response 2: Community Engagement and Environmental Justice.

EJS-3 Response:

Comment noted. The comment is nonspecific as to the prior container trucks and idling that occurred. The Proposed Project is not designed to move container trucks and offloading operations from the Port to the City of Alameda; rather, the Proposed Project is designed to help improve the efficiency and safety of vessels turning in the inner and outer harbor of the Port of Oakland. The Proposed Project would have temporary construction impacts in the City of Alameda, which are outlined in the Draft EIR Chapters 3 and 4. Moreover, the Proposed Project has been designed and proposed mitigation measures to reduce construction emissions (refer to Draft EIR Section 3.3.4; Mitigation Measures Air-1 and Air 2).

EJS-4 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing operational emissions associated with in-water Seaport operations. The Proposed Project would temporarily increase truck trips in Oakland and Alameda during construction; however, those trips and associated emissions have

been fully addressed. Please refer to Global Response 5: Operational Impacts, and Global Response 4: Reducing Local Truck Trips.

EJS-5 Response:

As described in the Draft EIR Hydrology and Water Quality impact analysis (Section 3.10.4) under Impact HYD-1, to operate in U.S. waters and ports, applicable vessels regulated by USCG under Code of Federal Regulations, Title 33, are required to provide a variety of plans—including a Vessel Response Plan—to the USCG for review and approval. A Vessel Response Plan serves as an oil spill response plan for vessels and includes spill mitigation procedures to mitigate or prevent discharge or threat of discharge resulting from operations, accidents, or emergencies. These measures would minimize the potential for the accidental release of hazardous substances from vessel operations during Proposed Project implementation to substantially degrade water quality.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk such as potential water quality impacts, associated with existing maneuvering limitations.

EJS-6 Response:

The comment expresses opposition to the Proposed Project. Comment noted. Furthermore, as the Draft EIR outlines, there are significant public benefits to widening the turning basins, including greater efficiencies in operation and improved safety and security.

EJS-7 Response:

Comment noted.

EJS-8 Response:

Comment noted. No wetland impacts would occur from implementation of the Proposed Project, and suitable sediment that is excavated or dredged during project construction would be beneficially reused for wetland restoration. The Proposed Project would not change the amount of cargo forecasted to come into the Port. Please refer to Global Response 9: Biological Resources and Water Quality, and Global Response 5: Operational Impacts.

EJS-9 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; thereby reducing—not adding—emissions associated with in-water Seaport operations (refer to Operation and Maintenance analysis under Impact AIR-2 in Draft EIR Section 3.3.4). Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, the Proposed Project's fundamental objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk associated with existing maneuvering limitations.

EJS-10 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, the Proposed Project's fundamental objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations, thereby providing greater protection for San Francisco Bay.

EJS-11 Response:

Comment noted.

EJS-12 Response:

Oakland Harbor is outside the range of Delta Smelt. Salmon are considered in the in-water work windows designated by regulatory agencies for San Francisco Bay to minimize impacts on special-status species. The in-water work window for salmonids is June 1 through November 30, which corresponds to the period where adults and juveniles are less likely to be present in the Bay (refer to Draft EIR Section 3.4, Biological Resources). In-water construction for the Proposed Project would occur during this work window. Please also refer to Global Response 9: Biological Resources and Water Quality.

EJS-13 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

EJS-14 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-15 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

EJS-16 Response:

Comment is unrelated to the Proposed Project.

EJS-17 Response:

The Draft EIR disclosed the environmental impacts that would result from implementation of the Proposed Project; most of these impacts are associated with the Proposed Project's construction, which is temporary. In the long term, the Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts. The Port conducted extensive public outreach to residents of Oakland as part of the CEQA process (refer to Global Response 2: Community Engagement and Environmental Justice), including noticing regarding opportunities to provide comments on the Draft EIR, and has responded to comments received in this Response to Comments Appendix.

As stated in Draft EIR Section 2.4, the Proposed Project's objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-18 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-19 Response:

Comment noted. The Proposed Project does not involve exporting coal from the Seaport. The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, the Proposed Project's objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-20 Response:

Comment noted.

EJS-21 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-22 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-23 Response:

Please refer to Global Response 9: Biological Resources and Water Quality, and Global Response 5: Operational Impacts. As stated in Draft EIR Section 2.4, the Proposed Project's objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations; the Proposed Project does not involve expansion of Seaport operations.

EJS-24 Response:

Comment noted.

EJS-25 Response:

Comment noted.

EJS-26 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk such as potential water quality impacts, associated with existing maneuvering limitations. Regarding comments on air, water, and ground pollution, please refer to Draft EIR Sections 3.3, 3.7, 3.8, and 3.10 for analysis of the Proposed Project's impacts and mitigation measures, where warranted, for air quality, greenhouse gases, geology and soils, and water quality.

EJS-27 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts. Please also refer to Draft EIR Section 3.1.1 under Port of Oakland Seaport Emissions, for a description of how emissions from Seaport operations have decreased.

EJS-28 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-29 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-30 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-31 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk such as potential water quality impacts, associated with existing maneuvering limitations. Please also refer to Global Response 9: Biological Resources and Water Quality.

EJS-32 Response:

Comment noted.

EJS-33 Response:

Comment noted. Please refer to the Draft EIR Section 4.4 and Global Response 2: Community Engagement and Environmental Justice, regarding analysis of the Proposed Project's cumulative health impacts.

EJS-34 Response:

Comment noted.

EJS-35 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-36 Response:

Comment is unrelated to the Proposed Project.

EJS-37 Response:

Please refer to Global Response 5: Operational Impacts, and Section 3.8 of the Draft EIR addressing greenhouse gases.

EJS-38 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-39 Response:

Comment noted. As stated in Draft EIR Section 2.4, the Proposed Project's objectives are to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations; the Proposed Project does not involve expansion of Seaport operations.

EJS-40 Response:

Please refer to Global Response 3: Zero-Emissions Seaport. In addition, as indicated under Global Response 2: Community Engagement and Environmental Justice, implementation of the Proposed Project would also have a beneficial impact by bringing cleaner ships to the Port.

EJS-41 Response:

Please refer to Global Response 3: Zero-Emissions Seaport.

EJS-42 Response:

Please refer to Global Response 5: Operational Impacts.

EJS-43 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-44 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-45 Response:

Comment noted.

EJS-46 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. In addition, the Proposed Project would not result in increased truck traffic associated with Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-47 Response:

Please refer to Global Response 9: Biological Resources and Water Quality, and Global Response 5: Operational Impacts.

EJS-48 Response:

Comment noted. Mitigation has been proposed, as feasible, to lessen the extent of the Proposed Project's construction-related impacts that were determined to be potentially significant. The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-49 Response:

Please refer to Global Response 5: Operational Impacts. In addition, as indicated under Global Response 2: Community Engagement and Environmental Justice, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations by bringing cleaner ships to the Port.

EJS-50 Response:

Please refer to Global Response 5: Operational Impacts.

EJS-51 Response:

Please refer to Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

EJS-52 Response:

Comment noted.

EJS-53 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-54 Response:

The Proposed Project does not include the construction of any new "mega structures." Regarding larger vessels, please refer to Global Response 5: Operational Impacts.

EJS-55 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

EJS-56 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk such as potential water quality impacts, associated with existing maneuvering limitations. Please also refer to Global Response 9: Biological Resources and Water Quality.

EJS-57 Response:

Please refer to Global Response 1: CEQA Process. The Draft EIR discloses and evaluates all of the potentially significant environmental impacts of the Proposed Project, as well as mitigation and alternatives to help substantially lessen those impacts. The widening of the turning basins is expected to improve operational efficiencies and reduce the risks and hazards surrounding the maneuvering of large vessels, thereby reducing the environmental risks and operational air emissions.

EJS-58 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

EJS-59 Response:

Comment noted. Key drivers for the Proposed Project are logistics, safety, and efficiencies in operations.

EJS-60 Response:

The beneficial reuse of suitable sediment at a wetland restoration site would offset loss of habitat value resulting from the Proposed Project’s impact to subtidal benthic habitat (refer to Impact BIO-1 in Draft EIR Section 3.4). Please also refer to Global Response 9: Biological Resources and Water Quality.

EJS-61 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice. As indicated under the response, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations by bringing cleaner ships to the Port.

EJS-62 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

As stated in Draft EIR Section 2.4, one of the Proposed Project's objectives is to improve conditions for vessel maneuvering and safety, including reducing environmental risk, associated with existing maneuvering limitations.

EJS-63 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts, and the Draft EIR's health risk assessment analysis (Impact AIR-3 in Section 3.3 and Appendix C). Regarding impacts to San Francisco Bay, please refer to Global Response 9: Biological Resources and Water Quality.

EJS-64 Response:

In deciding whether to approve the Proposed Project, the Board of Port Commissioners will consider the analysis in the Environmental Impact Report prepared by the Port as the CEQA Lead Agency.

EJS-65 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing emissions associated with in-water Seaport operations. Please refer to Global Response 5: Operational Impacts.

EJS-66 Response:

Please refer to Global Response 5: Operational Impacts.

EJS-67 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.2.4 Maritime Industry Coalition: Oakland Maritime, Access, Sustainability and Trade Coalition; Customs Brokers and Forwarders Association of Northern California; Dreisbach Enterprises; GSC Logistics; ILWU Local 10; Marine Engineers' Beneficial Association; Marine Firemen's Union; Pacific Merchant Shipping Association; Propeller Club of Northern California; San Francisco Bar Pilots; and SSA Marine (MIC)

MIC-1 Response:

Comment noted.

MIC-2 Response:

Comment noted.

MIC-3 Response:

Comment noted.

MIC-4 Response:

Comment noted.

MIC-5 Response:

Comment noted.

MIC-6 Response:

Comment noted.

MIC-7 Response:

Comment noted. In consideration of the Proposed Project's construction impacts, the Port acknowledged the No Action Alternative would be environmentally superior but would not meet any of the Proposed Project objectives. Potential incidents such as an oil spill or accidental allision are considered speculative and therefore were not factored into the determination of the environmentally superior alternative. The CEQA Guidelines require that if, based on the impact analysis, the environmentally superior alternative is the "No Project" Alternative, the EIR must then identify an environmentally superior alternative from among the other alternatives to be designated as the environmentally superior alternative. The Draft EIR identified widening of the OHTB Only (Alternative 2) as the next most environmentally superior alternative, but noted that it would fail to meet most of the Proposed Project objectives.

MIC-8 Response:

Comment noted.

G.5.2.5 Pacific Merchant Shipping Association (PMSA)

PMSA-1 Response:

Comment noted.

PMSA-2 Response:

Comment noted.

PMSA-3 Response:

Comment noted. As part of the CEQA process, the Port is required to respond to comments submitted on the Draft EIR during the Draft EIR public review period.

PMSA-4 Response:

The comment is noted that there may be a global reduction in GHG emissions by helping the Port maintain its competitiveness for cargo derived from Asia. The Draft EIR is choosing not to highlight information on the global benefits of GHG emissions due to global efficiencies achieved across multiple ports; in particular, other ports on the West Coast of the United States all being able to support the larger and more fuel-efficient vessels that will be better sized for efficient calls to the West Coast ports.

PMSA-5 Response:

Comment noted.

PMSA-6 Response:

The comment is noted that there may be a global reduction in air and GHG emissions by using appropriately sized, larger, more fuel-efficient vessels from Asia. The Draft EIR is choosing not to include this study because it was written for European Ports even though the concepts remain valid to the Port of Oakland.

PMSA-7 Response:

Comment notes that emissions since 2005 have decreased substantially at the Port. The Draft EIR includes this information in the environmental setting under air quality in Section 3.3.1.

PMSA-8 Response:

Comment noted.

PMSA-9 Response:

Comment noted. Please refer to Global Response 5: Operational Impacts.

PMSA-10 Response:

Comment noted. The data support that there is not a correlation between vessel calls, cargo throughput, and air quality and GHG emissions.

PMSA-11 Response:

Comment noted.

PMSA-12 Response:

Comment noted.

G.5.2.6 San Francisco Bay Area Physicians for Social Responsibility (PSR)

PSR-1 Response:

Comment noted. Please refer to responses to comments PSR-2 through PSR-6.

PSR-2 Response:

Please refer to Global Response 5: Operational Impacts. Ambient and baseline air quality and the burden associated with current and previous truck and rail traffic emissions are addressed in the Draft EIR Air Quality Section 3.3 and appended studies (Appendices B and C) as part of the environmental baseline. Because the Proposed Project is designed to improve maneuverability at the Inner and Outer Harbors, it is actually expected to decrease environmental risks and air emissions during operations. The Proposed Project is not proposed to, nor is it expected to increase traffic from Seaport operations.

The commenter is also incorrect in stating that the Draft EIR did not adequately describe the existing air pollution in the surrounding communities, which includes the current truck and rail air pollution burden. The Draft EIR provided extensive background in Section 3.3.1. This included information from the Port of Oakland 2020 Seaport Emissions Inventory, which is the most recent comprehensive emissions inventory for the Port of Oakland. The 2008 HRA by CARB and the most recent HRA done for WOCAP were included in the setting, which discusses emissions and health impacts in the Port and the larger West Oakland area. In addition, there was a discussion of the WOCAP policies and the Port's status of implementing these measures. The Draft EIR conducted an HRA for the Proposed Project construction, and provided more information on the results of this HRA than required to make the CEQA significance determination. The Draft EIR, in addition to determining the maximum exposed individual, also presented the high values in Alameda, the area adjacent to Howard Terminal, and the part of West Oakland most impacted by the OHTB.

PSR-3 Response:

Please refer to Global Response 1: CEQA Process, Global Response 5: Operational Impacts, and response to comment PSR-2.

PSR-4 Response:

Comment noted. As identified in Chapter 2 of the West Oakland Community Action Plan, multiple emission sources impact West Oakland, including major highways, permitted stationary sources (e.g., recycling facilities, wastewater treatment plant), truck-related businesses (including the 7th Street U.S. Post Office), Port-related sources, and construction and other area sources (e.g., backyard burning, commercial cooking operations). Please also refer to Draft EIR Section 3.3.1 (Air Quality Environmental Setting), which includes a summary of existing health risks in West Oakland.

PSR-5 Response:

The Proposed Project would not expand Seaport operations; please refer to Global Response 5: Operational Impacts. Regarding electrification at the Seaport, please refer to Global Response 3: Zero-Emissions Seaport.

PSR-6 Response:

The commenter is also incorrect in stating that the Draft EIR did not adequately describe the existing air pollution in the surrounding communities. The Draft EIR provided extensive background in Section 3.3.1. This included information from the Port of Oakland 2020 Seaport Emissions Inventory, which is the most recent comprehensive emissions inventory for the Port of Oakland. The 2008 HRA by CARB and the most recent HRA done for WOCAP were included in the setting, which discusses emissions and health impacts in the Port and the larger West Oakland area. In addition, there was a discussion of the WOCAP policies and the Port's status of implementing these measures. In Section 3.4.8 under Impact AIR-2 and Impact AIR-3, the Draft EIR gave detailed analysis of the potential increase in air pollution from construction of the Proposed Project. Appendix B of the Draft EIR contained further detail on the emissions for construction, operation, and existing conditions. It also gave information on changes to operational emissions compared to the No Project projected baseline in 2030, 2040, and 2050. As discussed in the Draft EIR, the primary difference in operation emissions is for the water-based activity for vessels calls and increased maintenance dredging. Refer to Global Response 5: Operational Impacts for a discussion of land-based emissions comparisons. The Draft EIR conducted an HRA for the Proposed Project construction, and provided more information on the results of this HRA than required to make the CEQA significance determination. This included the anticipated incremental increase in cancer risk, chronic HI, and acute HI. In addition to determining the maximum exposed individual, the Draft EIR also presented the high values in Alameda, the area adjacent to Howard Terminal, and the part of West Oakland most impacted by the OHTB. Appendix C of the Draft EIR provided further details on the existing condition health impacts, incremental increase in health impacts from construction emissions, and estimates of Port operations health impacts in the future. Refer to also Global Response 2: Community Engagement and Environmental Justice for more information about West Oakland. Refer to Global Response 5: Operational Impacts for more information about operational emissions and health risk assessment.

G.5.3 Members of the Public

G.5.3.1 Amanda Bloom (ABl)

ABl-1 Response:

Please refer to Global Response 5: Operational Impacts.

ABl-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

ABl-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

ABl-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.2 Alexis Franz (AFr)

AFr-1 Response:

Please refer to Global Response 5: Operational Impacts, Global Response 2: Community Engagement and Environmental Justice, and Draft EIR Section 3.7 addressing geology and soils.

G.5.3.3 Ann Harvey (AHa)

AHa-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, Global Response 1: CEQA Process, and Global Response 5: Operational Impacts.

AHa-2 Response:

The Draft EIR evaluated the air pollutants associated with the Proposed Project in the West Oakland and I-80 Corridor as well as the emissions attributable to trucks to the Central Valley in the San Joaquin Valley Air Basin, which as noted is in nonattainment of federal standards. Please refer to Global Response 2: Community Engagement and Environmental Justice.

AHa-3 Response:

Please refer to Global Response 5: Operational Impacts, pending additional input if appropriate from Montrose responses. The Proposed Project is not expected to directly or indirectly increase ship delays, truck idling, or overall truck, train, or other vehicle trips on streets, freeways, or train tracks serving the Port. Instead, the Proposed Project is designed to enhance safety, and ultimately reduce environmental risks and emissions associated with vessel maneuvering in the Inner and Outer Harbor.

G.5.3.4 Alan Tubbs (ATu)

ATu-1 Response:

Comment noted. The Proposed Project's construction duration is phased over 3 years to comply with in-water work windows to minimize impacts on special-status species as well as minimize impacts to use of the Inner Harbor Channel.

G.5.3.5 Bruce Bennett (BBe)

BBe-1 Response:

Comment noted.

G.5.3.6 Charles Bret (CBr)

CBr-1 Response:

As described in Draft EIR Section 2.5.4, Other Construction Details, under Construction Materials and Debris Management, material to be excavated and dredged would be characterized (i.e., sampled and analyzed) during the pre-construction engineering and design phase. The results of the laboratory analysis would be compared to specific acceptance criteria for a given beneficial reuse site and landfill waste acceptance criteria to determine where the material may be placed. For dredged material, the interagency Dredged Material Management Office reviews and approves sediment testing programs and suitability determinations for beneficial reuse and disposal locations. In addition, because the soil and groundwater beneath Howard Terminal and the Alameda Site have been impacted by historic uses and are under the regulatory jurisdiction of the Department of Toxic Substances Control, sampling and analysis at Howard Terminal and the Alameda Site would also be coordinated with the Department of Toxic Substances Control. For additional information related to the Proposed Project’s hazardous materials impacts, please refer to Draft EIR Section 3.9.4.

CBr-2 Response:

The Proposed Project does not involve the import/export of coal through the Seaport. As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational improvements that address inefficiencies and suboptimal conditions currently experienced by vessels in the Oakland Harbor. Transportation inefficiencies and high-risk transits occur when channels and maneuvering areas do not fully accommodate the vessels using them, and result in cascading effects on economic, environmental, and safety considerations. Please also refer to Global Response 5: Operational Impacts, regarding analysis of traffic impacts during Seaport operations.

CBr-3 Response:

The Proposed Project would not expand Seaport operations (refer to Global Response 5: Operational Impacts). The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods, thereby reducing operational emissions associated with in-water Seaport operations.

G.5.3.7 Carol Hirth (CHi)

CHi-1 Response:

Please refer to Global Response 5: Operational Impacts.

CHi-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

CHi-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

CHi-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.8 Charlie Cameron (CCa)

CCa-1 Response:

Comment noted.

CCa-2 Response:

Comment noted. TEU in the Draft EIR refers to a 20-foot equivalent unit or a 20-foot container. A 40-foot container would represent two TEUs. Regarding 53-foot containers, no marine terminals at the Port have reported transporting them. Such 53-foot containers are commonly used for road and rail movement in the U.S.

CCa-3 Response:

Comment noted.

CCa-4 Response:

Comment noted.

CCa-5 Response:

Comment noted.

CCa-6 Response:

Comment noted.

G.5.3.9 Christopher Kroll (CKr)

CKr-1 Response:

The Proposed Project would not expand Seaport operations (refer to Global Response 5: Operational Impacts). Regarding the Seaport's conversion to clean energy, please refer to Global Response 3: Zero-Emissions Seaport.

G.5.3.10 Christopher Lish (CLi)

CLi-1 Response:

Please refer to Global Response 5: Operational Impacts.

CLi-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

CLi-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

CLi-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.11 Kevin and Cynthia Kihn, Dianne Jonstad (KKi)

KKi-1 Response:

As described in the Draft EIR impact analysis for Aesthetics (Section 3.2.4) under Impact AES-1, the widened turning basins would appear visually similar to existing conditions and view of the estuary. Portions of Howard Terminal and the two existing warehouse buildings and underlying wharf on the Alameda Site would be removed to widen the IHTB, increasing the surface area of the estuary. New bulkhead sections on both sides of the Inner Harbor Channel at Howard Terminal and the Alameda Site would be constructed that would be of a size, scale, mass, and color similar to the existing adjacent bulkhead along the Alameda shoreline. Removal of portions of the warehouse buildings would increase the existing viewshed to the Inner Harbor Channel from public vantage points, including the City of Alameda's Estuary Park.

KKi-2 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

KKi-3 Response:

Comment noted. The Draft EIR impact analysis for Noise (Section 3.12.4) acknowledged under Impact NOI-1 that nighttime dredging construction noise impacts on some sensitive receptors in the Landing at Bay 37 residential development in Alameda would be significant and unavoidable; these impacts would occur intermittently over approximately 4 weeks during the Proposed Project construction. Noise impacts during the Proposed Project's operational phase were found to be less than significant.

KKi-4 Response:

The Proposed Project would not remove public open space; the landside property to be impacted is privately owned or Port-owned, with no public access.

KKi-5 Response:

The Proposed Project is needed for navigational efficiency and safety. It has no connection to and would not facilitate building a bridge from Oakland to Alameda.

KKi-6 Response:

Comment noted. The Proposed Project has no affiliation with the cement factory referenced in the comment.

KKi-7 Response:

Please refer to response to comment KKi-1.

KKi-8 Response:

Comment noted.

G.5.3.12 David Pedersen (DPe)

DPe-1 Response:

Please refer to Global Response 5: Operational Impacts.

DPe-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

DPe-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

DPe-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.13 Eric Pederson (EPe)

EPe-1 Response:

Comment noted. Portions of Howard Terminal and the two existing warehouse buildings and underlying wharf on the Alameda Site would be removed to widen the IHTB, removing industrial development and increasing the surface area of the estuary.

EPe-2 Response:

Please refer to Global Response 5: Operational Impacts.

G.5.3.14 Ernie Walters (EWa)

EWa-1 Response:

Please refer to Global Response 5: Operational Impacts.

EWa-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

EWa-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

EWa-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.15 Gina Miller (GMi)

GMi-1 Response:

Comment noted. The Draft EIR Figure 3.14-4 identified that during construction, trucks would use the Webster and Posey Tubes and the Park Street Bridge for arriving and departing Alameda, consistent with the City of Alameda's designated truck routes; the Proposed Project would follow the City's designated truck routes at the time of construction. In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information.

G.5.3.16 Greg Thomsom (GTh)

GTh-1 Response:

Please refer to Global Response 5: Operational Impacts.

GTh-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

GTh-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

GTh-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.17 John Alfonso (JAl)

JAl-1 Response:

Comment noted.

G.5.3.18 Janet Johnson (JJo)

JJo-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice, and Global Response 2: Community Engagement and Environmental Justice.

JJo-2 Response:

Please refer to Global Response 5: Operational Impacts.

JJo-3 Response:

The Proposed Project would not disproportionately impact West Oakland; please refer to Global Response 2: Community Engagement and Environmental Justice. In addition, the Proposed Project would not result in landside operations changes that would result in increased truck

traffic in West Oakland from Seaport Operations; please refer to Global Response 5: Operational Impacts.

JJo-4 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

JJo-5 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.19 Jessica Mitchell (JMi)

JMi-1 Response:

Please refer to Global Response 9: Biological Resources and Water Quality, and Global Response 5: Operational Impacts.

G.5.3.20 John Oda (JOd)

JOd-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport.

JOd-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.3.21 Jason (Ja)

Ja-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport.

Ja-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.3.22 Kat Moynahan (KMo)

KMo-1 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

KMo-2 Response:

Comment noted. The Proposed Project's impacts on air quality and traffic would be limited to construction. Over the long term, the Proposed Project would reduce criteria pollutant emissions for in-water operation due to changes in the fleet mix and number of annual calls. Please refer to Global Response 5: Operational Impacts.

KMo-3 Response:

Port Maritime Operations include a trash crew for trash collection and litter pickup from the Seaport roadways and sidewalks, including the referenced plastic bottles on a routine schedule, and has a contract for litter pickup with Civicorps, a local job training center in Oakland. In addition, the Port has completed a trash capture study and is implementing construction of three

Large Underground Full Trash Capture devices at the Seaport and 40 Small Full Trash Capture Devices across the Seaport and Airport to comply with Statewide Trash Amendments issued by the California State Water Resources Control Board. And lastly, the Port has increased their inter-jurisdictional trash collaboration with agencies, resulting in wins such as receiving a National Oceanic and Atmospheric Administration Marine Debris grant for the removal of marine debris from coastal communities in partnership with the City of Oakland and I Heart Oakland-Alameda Estuary.

KMo-4 Response:

Comment noted. The Proposed Project is consistent with existing land uses. Alternative plans to revitalize the Bay are beyond the scope of the Proposed Project.

G.5.3.23 Lauren Eisele (LEi)

LEi-1 Response:

Comment noted.

LEi-2 Response:

As described in Draft EIR Section 2.4, Proposed Project Objectives, the purpose of the Proposed Project is to provide navigational improvements that address inefficiencies and suboptimal conditions currently experienced by vessels in the Oakland Harbor, not to increase the Port's operating capacity.

LEi-3 Response:

The Draft EIR identified significant and unavoidable air quality and noise impacts; mitigation has been proposed, as feasible, to lessen the extent of those impacts. The Draft EIR did not identify significant and unavoidable transportation and geotechnical impacts.

LEi-4 Response:

The nearest school to the IHTB is Ruby Bridges Elementary school, approximately 0.5 mile south. The nearest senior housing would be the proposed Alameda Housing Authority North Housing, which would include units within approximately 650 to 1,500 feet of the proposed widened IHTB. Based on the Draft EIR analysis, these locations would not experience air quality and noise impacts above established significance thresholds.

Neither Ruby Bridges Elementary nor the proposed Alameda Housing Authority North Housing are situated directly along the Proposed Project's truck haul routes; however, it is acknowledged that students commuting to Ruby Bridges Elementary School would have to cross a portion of the proposed truck haul route on Main Street and Ralph Appezzatto Memorial Parkway and that the Proposed Project's construction-related truck trips would significantly impact pedestrian and bicycle safety. As noted above, the Proposed Project truck routes identified in the Draft EIR are based on the truck routes designated by the City of Alameda; all road segments of the Proposed Project's truck haul routes are part of the City's designated/approved truck routes. The City adopted its current (2023) truck route map as part of a General Plan Mobility Element Appendix update on January 17, 2023, via Resolution No. 16026. Item 2 of the resolution states that the General Plan amendment will have acceptable effects on the general welfare of the community. Item 4 of the resolution indicates that adoption of the Mobility Element Appendix is consistent

with the finding of the General Plan EIR, that no revisions to the General Plan EIR were required due to new or substantially significant impacts, and that no further environmental review was required for adoption of the Mobility Element Appendix. Therefore, the resolution implies that the City considered the environmental effects, including those on bicycle and pedestrian safety, in designating truck routes as indicated on the adopted 2023 truck route map. The Draft EIR transportation impact analysis (Section 3.14.4) acknowledged under Impact TRA-1 that Proposed Project's construction delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact. The Draft EIR included Mitigation Measure TRA-1, requiring the construction contractor to develop a comprehensive construction Traffic Control Plan that includes various measures to minimize the effects of the Proposed Project's construction traffic on overall circulation, including temporary traffic controls, such as signage and flaggers, to minimize conflicts; identification and enforcement of designated truck haul routes; and advance notification of neighboring residents, businesses, schools, and other property owners of any substantial increases in construction traffic.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. This resulted in 17,770 fewer construction truck round trips directly to and from the Proposed Project sites, which is a 46 percent reduction of truck trips at Howard Terminal, a 57 percent reduction of truck trips at the Alameda Site, and a 54 percent reduction in total from the Proposed Project construction truck trips in Oakland and Alameda, as stated in the Draft EIR. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information.

LEi-5 Response:

As described in response to comment LEi-4, the Proposed Project has been modified in this Final EIR, resulting in a 57 percent reduction of truck trips at the Alameda Site. The comment states that the Posey Tube and Park Street Bridge operate below acceptable Level of Service and asserts the Proposed Project would exacerbate congestion; however, the CEQA Guidelines Level of Service is no longer used to evaluate traffic impacts. The comment incorrectly states the Webster and Posey Tubes are not designed for heavy truck traffic. Based on the Caltrans California Truck Network website (https://quickmap.dot.ca.gov/#a4), the Webster and Posey Tubes (State Route 260) allow trucks with king-pin-to-rear axle length of 40 feet for two or more axle semitrailers and 38 feet for single-axle semitrailers as of January 2025. Draft EIR Figure 3.14-4 identified that during construction, trucks would use the Webster and Posey Tubes and the Park Street Bridge for arriving and departing Alameda, which is consistent with the City of Alameda's designated truck routes; the Proposed Project would follow the City of Alameda's designated truck routes at the time of construction.

The comment states that students commuting to local schools would have to cross a portion of the proposed truck haul route on Ralph Appezzatto Memorial Parkway, and that the Proposed Project's construction-related truck trips would increase the risk of collisions. The Proposed Project truck routes identified in the Draft EIR are based on the truck routes designated by the City of Alameda; all road segments of the Proposed Project's truck haul routes are part of the City of Alameda's designated/approved truck routes. The Proposed Project would use the City of Alameda's designated/approved truck routes at the time of construction. The City adopted its

current (2023) truck route map as part of a General Plan Mobility Element Appendix update on January 17, 2023, via Resolution No. 16026. Item 2 of the resolution states that the General Plan amendment will have acceptable effects on the general welfare of the community. Item 4 of the resolution indicates that adoption of the Mobility Element Appendix is consistent with the finding of the General Plan EIR, that no revisions to the General Plan EIR were required due to new or substantially significant impacts, and that no further environmental review was required for adoption of the Mobility Element Appendix. Therefore, the resolution implies that the City of Alameda considered the environmental effects, including those on bicycle and pedestrian safety, in designating truck routes as indicated on the adopted 2023 truck route map. The Draft EIR transportation impact analysis (Section 3.14.4) acknowledged under Impact TRA-1 that Proposed Project's construction delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact. The Draft EIR included Mitigation Measure TRA-1, requiring the construction contractor to develop a comprehensive construction Traffic Control Plan that includes various measures to minimize the effects of the Proposed Project's construction traffic on overall circulation, including temporary traffic controls, such as signage and flaggers, to minimize conflicts; identification and enforcement of designated truck haul routes; and advance notification of neighboring residents, businesses, schools, and other property owners of any substantial increases in construction traffic. With the implementation of the required Traffic Control Plan, the volume and timing of construction traffic would be managed to avoid adversely affecting local roadway, bicycle, and pedestrian circulation, and the impact relative to potential conflicts with local plans, ordinances, or policies would be less than significant.

The Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's Traffic Control Plan. If the Proposed Project is approved by the Port, and the Port seeks to acquire the necessary property for the Proposed Project as outlined in the Draft EIR, the Port would plan to purchase from the current private property owners sufficient land from the Alameda Site to construct the Proposed Project, including the approximately 6 acres of land that would be removed to widen the IHTB and adjacent land that would be used for construction. If successfully purchased from the private property owners, the subject land would be owned by the Port prior to initiation of any activities requiring permitting. Thereafter, the Port's Proposed Project activities on that site would be subject to intergovernmental immunity and not the City of Alameda's general plan, zoning, design review, or permitting jurisdiction. Refer to Lawler v. City of Redding, 7 Cal.App.4th 778 (1992) (where a city owns property in another city's territory, that property is subject to the owner's general plan, zoning and building codes rather than those of the jurisdiction where the property is located). Refer to Government Code sections 53090 and 53091, creating limited exceptions to intergovernmental immunity for certain public agencies other than cities and counties.

LEi-6 Response:

The comment incorrectly states that pile driving, excavation, dredging, and demolition activities would occur for 24 hours a day, 7 days a week for 2 years. Only dredging would be performed 24 hours a day, 7 days a week; for the Alameda Site, the estimated dredging duration is 3 months. All other construction activities would occur Monday through Friday between the hours of 7 a.m. and 7 p.m. The estimated construction duration stated in the Draft EIR is 2 years

and 4 months (Section 2.5.2, page 2-28), and for the Alameda Site the estimated construction duration is 20 months.

The noise impact analysis in Draft EIR Section 3.12.4 under Impact NOI-1 indicates that significant noise impacts during construction would only occur during pile driving or nighttime dredging. Potentially significant noise impacts would not occur from other daytime construction activities other than pile driving. With implementation of Mitigation Measure NOI-1A, requiring the use of cushion blocks, the noise impacts during pile driving would be reduced to less-than-significant levels at all Alameda sensitive receptors. Furthermore, as noted in the Draft EIR, the City of Alameda Noise Ordinance exempts construction noise from its exterior noise standards if occurring between 7:00 a.m. and 7:00 p.m. on Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays. However, for the purpose of this analysis, the Port applied the City of Oakland's daytime noise ordinance standards to receptors in Alameda. Had the Port applied the City of Alameda's Noise Ordinance, which exempts daytime construction activities Monday through Saturday, the unmitigated impacts from pile driving would not be considered significant.

The Proposed Project already includes use of an electric dredge, and there are no feasible noise control devices that could be installed to reduce noise from the dredge and tugs, or feasible alternative construction methods to dredging. Mitigation Measure NOI-1B would reduce noise impacts from nighttime dredging for the Mosley Avenue residences through installation of a temporary noise barrier; installing a noise barrier for the Landing at Bay 37 residences would not be feasible. Because the Draft EIR analysis found that the interior noise levels at these residences would be below the City's 45 dB CNEL standard, additional mitigation measures, including a Construction Noise Reduction Plan, are not warranted.

The suggestion to conduct noise monitoring does not reduce any impact found to be significant and unavoidable. Therefore, the Port declines to incorporate this suggestion as mitigation.

In consideration of comments received on the Draft EIR, the Port has modified Mitigation Measures NOI-1A and NOI-1B in this Final EIR to include a designated point of contact for noise complaints and additional information on notifying nearby property owners and residents regarding the timing and nature of construction activities.

The suggestion to relocate residents is infeasible, as it would require the residents to relocate from their current residences, which would result in substantial disruptions despite the extremely limited duration of the significant impact. The Port does not have the authority to forcibly remove individuals from their residences, and any voluntary program would risk leaving nonparticipating individuals in their homes (and therefore not lessen the impact to a level of less than significant). Additionally, as noted above, the residents would not experience any significant impacts inside the residences, because the interior noise standard would not be exceeded at Bay 37. Therefore, the Port declines to incorporate this suggestion as mitigation.

With the reduction of truck trips in Oakland and Alameda as described in Global Response 4: Reducing Local Truck Trips, Mitigation Measure NOI-1C identified in the Draft EIR is no longer required and has been removed in this Final EIR.

As explained under response to comment LEi-5, the Port would not require a construction or building permit from the City of Alameda that would provide the City of Alameda with approval authority over the Proposed Project's noise and traffic control measures.

LEi-7 Response:

Refer to Global Response 7: Air Quality Mitigation Measures, for discussion of mitigation measures proposed by commenters for air quality impacts. The Port has reviewed and considered the commenters' suggested edits to Mitigation Measure AIR-1. Where appropriate, suggested revisions have been partially incorporated to clarify language for contractor implementation. A discussion of performance standards to define mitigation measures listed under Mitigation Measure AIR-1 is also presented in the response.

LEi-8 Response:

The Draft EIR addresses the potentially significant impacts related to seismic stability of the shoreline from widening the IHTB and ongoing annual dredging under Impact GEO-1. Additional geologic hazards are addressed under Draft EIR Impacts GEO-2 through GEO-4. As part of the feasibility analysis and assessment of seismic and related geologic hazard impacts, the USACE and Port evaluated geotechnical and structural conditions and performed an engineering analysis to determine overall engineering feasibility and to inform the preliminary designs of the Proposed Project (including proposed sheet piles and bulkheads). This included review of subsurface information obtained from existing geologic mapping and soils data, previous geotechnical studies (including those performed for the -50-Foot Oakland Harbor Navigation Project and the Oakland Waterfront Ballpark District at Howard Terminal), and as-built plans for existing facilities as summarized in the USACE's Integrated Feasibility Report and Environmental Assessment for the Oakland Harbor Turning Basins Widening, Appendix B2: Geotechnical Engineering and Appendix B3: Structural Engineering. In addition, Appendix B3: Structural Engineering, identifies several design standards and references considered in the analysis. Based on that information, as well as the somewhat limited scope of the Proposed Project and observed performance of existing shoreline protections and bulkheads, the USACE and Port determined that, notwithstanding the soil characteristics along the federal navigation channel, the area is expected to accommodate the Proposed Project without resulting in any significant geologic hazards (seismic risks to structures or people or related landslide, lateral spreading, subsidence, liquefaction, or collapse). For example, in its May 2024 Integrated Feasibility Report and Environmental Assessment (Section 6.3, Geology, Soils, and Seismicity;), the USACE concluded that:

> "[T]he action alternatives would not introduce elements that would increase potential risks related to rupture of a known earthquake fault; seismic shaking; or seismic-related ground failure, including liquefaction; or landsides. Any new bulkhead or sheet pile shoreline structures that would be installed as part of the action alternatives would comply with applicable seismic standards. Similarly, the action alternatives would not involve activities that would cause geologic units or soils to become unstable, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, or collapse; this excludes minor erosion of the turning basins' side slopes from sloughing that may occur after the areas are dredged. Because the action alternatives would have no effect on seismicity or geologic resources, they would not contribute to cumulative impacts to these resources."

Moreover, as is required and assumed for pre-construction and final design-level plans, the USACE and Port must perform a site-specific, design-level geotechnical investigation to confirm the findings of the USACE's Feasibility Report Geotechnical Engineering Appendix (B2) and

Structural Engineering Appendix (B3), and the Port's Draft EIR all remain accurate, and to set final design parameters for the bulkheads and shoreline protection (e.g., slopes and material). The USACE's Feasibility Report, Geotechnical and Structural Appendices, and the Port's Draft EIR—along with observed historical performance of shoreline protection and bulkheads at the project sites—encompass standard, accepted, and proven engineering practices that are known to avoid significant adverse impacts related to seismic and other geologic hazards for this sort of shoreline infrastructure.

Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, the following mitigation measure is incorporated in response to public comments and as a precaution to ensure that the final designs and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity:

MM GEO-1: Site-Specific Geotechnical and Structural Investigation

The Port shall perform a site-specific geotechnical investigation to verify soil characteristics and inform pre-construction engineering and final design of the new bulkheads and shoreline protection along the federal navigation channel and turning basins. The investigation shall include the drilling of soil borings (e.g., cone penetrating testing) to characterize specific soil properties and provide engineers with information necessary to confirm compliance with all applicable building codes and standards, as well as to develop site-specific design features and construction measures to minimize risk to structures and people due to seismic shaking, and ensure that the constructed facilities maintain slope reliability and do not result in adverse effects related to ground failure, landslide, lateral spreading, subsidence, liquefaction, or collapse. A registered geotechnical or structural engineer must review the site-specific geotechnical and structural investigation and require compliance with all design and construction measures in the investigation for the grading, foundation, structural, infrastructure, and other relevant construction elements. The investigation must ensure that shoreline stability and structural integrity are maintained or improved. Specific design features and construction measures recommended by the Project engineer and approved by the Port as necessary to achieve that performance standard shall include, at a minimum:

- Ensure that bulkhead and sheet pile shoreline structures comply with applicable USACE seismic standards and building codes at the time of project implementation. Seismic design standards include, but are not limited to, the following:
    - USACE, 2016, Earthquake Design and Evaluation for Civil Works Projects, ER 1110-2-1806, Regulation No. 1110-2-1806, May
    - Urban Levee Design Criteria (ULDC, 2012) (also addressed in draft 2022 USACE Engineer Manual for Evaluation, Design, and Construction of Levees)
- Ensure that bulkhead and sheet pile shoreline structures are designed to withstand ground accelerations expected from known active faults.
- Institute site preparations, subsurface soil improvements, and final design parameters for walls, foundations, utilities, and other surrounding improvements, as applicable;
- Apply alternative site-specific measures to reduce the risk of liquefaction, including treatment or removal of subsurface soil or installation of deep foundations, soil cover,

dynamic compaction, or edge containment structures (berms, sea walls, retaining structures, compacted soil zones); and/or

- Impose site grading requirements for soil moisture content and fill material, utility trench backfill, grade construction, or trenching and excavation.

Performing the geotechnical investigation at the pre-construction and design phase is appropriate because final designs could change in response to environmental review. Furthermore, the State Building Code (adopted and incorporated by the Port of Oakland) requires geologic and earthquake engineering reports for construction, which must include a geologic investigation, evaluation of known active and potentially active faults, ground motion parameters, evaluation of slope stability at or near the site, and the liquefaction and settlement potential of the earth materials in foundations. Furthermore, the project design would be reviewed by the San Francisco Bay Conservation and Development Commission through their Engineering Criteria Review Board, which would include review and approval of appropriate geotechnical and structural evaluations of the existing sediments, historic fill, upland soils, and proposed construction features. This is required as a condition of the Letter of Agreement for Consistency Determination No. C23023.003.00 issued for the project by the Commission pursuant to the Commission's authority in administering the Coastal Zone Management Act. Considering compliance with the State Building Code and related provisions of state law, the rigorous investigation process required under the engineering standard of care, and regulatory agency technical reviews, implementation of Mitigation Measure GEO-1 further supports that the risk of seismic hazards and related geologic hazards would remain less than significant. The addition of Mitigation Measure GEO-1 does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

Future maintenance dredging of the widened areas of the turning basins would be confined to the removal of loose sediment accumulated in the widened dredge prism, and therefore would not result in increased risk of seismic or slope stability-related hazards because it would not further expand the turning basins. The purpose of the Proposed Project is to increase the width of the existing turning basin so that it will accommodate the minimum 20 percent industry standard for larger vessels and comply with specific restrictions in place for all vessels (San Francisco Bar Pilots 2023b). The Proposed Project is replacing (and improving) existing shoreline protection and bulkheads in the IHTB, and the use of tugs in the Inner Harbor is an existing condition involving ongoing operations. The Proposed Project would not increase operational tug use. The Draft EIR determined impacts during operations to be less than significant, and therefore no further mitigation is required.

As concluded based on geotechnical analyses, the Proposed Project is not anticipated to exacerbate seismic stability, and there are features of the Project and mitigation measures incorporated to address these possible impacts.

The Proposed Project area is not included in the 2014 Alameda Point Master Infrastructure Plan or analysis; rather, only the portions of Alameda shoreline west of Main Street are included in the 2014 MIP, as amended in 2020. Furthermore, as explained in responses to comment LEi-5, the Port's activities on lands purchased from the Alameda Site to construct the Proposed Project would not be subject to the City of Alameda's jurisdiction; therefore, the Alameda Point Master Infrastructure Plan would not be applicable to the Proposed Project. For these reasons, mitigation measures from the Alameda Point Master Infrastructure Plan would not be applicable.

In response to concerns related to sea level rise, the Proposed Project is not anticipated to exacerbate the risk of sea level rise–induced flooding. The Draft EIR Hydrology/Water Quality impact analysis (Section 3.9.4) under Impact HYD-4 concluded that the Proposed Project is unlikely to result in hydrodynamic changes that would substantially change inundation during sea level rise. Impact HYD-4 regarding flood hazard, tsunami, or seiche zones, and inundation also stated that there may be minor, permanent alterations to upland drainage patterns at the Alameda Site associated with upland excavation and reconfiguration of the facility shoreline (e.g., removal, replacement, or redesign of drainage infrastructure such as curbs and gutters), but these are not anticipated to affect flood hazards.

The existing bulkhead walls at the Alameda Site are at elevation +13.7 feet NAVD88. The Proposed Project's bulkhead walls would match the elevation of the existing bulkhead walls. The Port's Sea Level Rise Assessment used sea level rise estimates of 1 foot, 2 feet, and 3 to 5.5 feet for 2030, 2050, and 2100, respectively; these sea-level-rise scenarios were obtained from the 2018 California Coastal Commission Sea-Level Rise Policy Guidance document and the San Francisco Bay Conservation and Development Commission Adapting to Rising Tides program. As of 2024, the sea level elevation was +6.5 feet NAVD88 at its highest level. Accounting for 5.5 feet of sea level rise (the high end of the estimate for 2100 based on the Port's Sea Level Rise Assessment Mapping), sea level at the site would be elevation +12 feet NAVD88 at its highest level. Therefore, the proposed bulkhead wall design elevation of +13.7 feet NAVD88 is more than sufficient to address sea level rise through 2100. It should also be noted that the California Coastal Commission adopted an update to its Sea-Level Rise Policy Guidance in November 2024 that includes reduction (lowering) of the sea level rise estimates from the 2018 Guidance on which the Draft EIR and above analysis were based.

G.5.3.24 Martin Horwitz (MHo)

MHo-1 Response:

Please refer to Global Response 5: Operational Impacts.

MHo-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

MHo-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

MHo-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.25 Margie Siegel (MSi)

MSi-1 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; therefore, fewer container vessels would be transiting the Estuary waters used by recreational vessels.

MSi-2 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, and Global Response 5: Operational Impacts.

G.5.3.26 Mark Piet (MPi)

MPi-1 Response:

There are currently locations along the Alameda and Oakland shorelines from which the public can view ships turning in the IHTB, including the Alameda Landing Waterfront Park and Main Street Alameda Ferry Terminal, and the Oakland Jack London Square Ferry Terminal and public observation deck at 10 Clay Street, which are both at Jack London Square in Oakland. The requirement for and feasibility of additional public access/viewing amenities as part of the Proposed Project would be evaluated during the pre-construction engineering and design phase.

G.5.3.27 Margaret Gordon (MGo)

MGo-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

G.5.3.28 Nancy Auker (NAu)

NAu-1 Response:

Please refer to Global Response 5: Operational Impacts.

NAu-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

NAu-3 Response:

Please refer to Global Response 9: Biological Resources and Water Quality.

NAu-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.3.29 Nancy Wong (NWo)

NWo-1 Response:

Commenter's concerns of security and illegal drug smuggling are independent of the Proposed Project's navigational improvements. As stated in Draft EIR Section 2.4, the Proposed Project improves conditions for vessel maneuvering and safety and does not include changes to regulatory security protocols or oversight. Container terminals that handle international cargo are federally regulated and will remain so with or without widened turning basins. Enforcement of these federal regulations (including security and illegal smuggling activities) are the responsibility of the U.S. Customs and Border Protection and the U.S. Coast Guard, which remain unchanged by the Proposed Project. Additionally, the Port's forecasted trade demand and total projected volume of cargo remain the same with and without widening of the turning

basins. Therefore, the Proposed Project would not change security regulations nor introduce any new or increased security issues.

G.5.3.30 Richard Reitmeyer (RRe)

RRe-1 Response:

Comment noted.

G.5.3.31 Steve Bayles (SBa)

SBa-1 Response:

The Proposed Project would facilitate a reduction in the total number of vessel calls to the Port to deliver the same amount of goods; therefore, fewer container vessels would be transiting the Estuary waters used by commercial recreational vessels.

G.5.3.32 Selena Feliciano, Julio Garcia, Violet Saena (SFe)

SFe-1 Response:

Comment noted.

SFe-2 Response:

Please refer to Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

SFe-3 Response:

Please refer to Global Response 5: Operational Impacts.

SFe-4 Response:

Please refer to Global Response 5: Operational Impacts.

SFe-5 Response:

Please refer to Global Response 5: Operational Impacts.

SFe-6 Response:

As stated in Draft EIR Section 2.5.4, material to be excavated and dredged would be characterized (i.e., sampled and subjected to laboratory analysis) to determine whether it would be suitable for beneficial reuse (for the protection, restoration, or creation of aquatic wetland habitats) or would require disposal at a landfill. For the purposes of the Draft EIR, the anticipated landfills to accept material from the Proposed Project include the Kettleman Hills Class I permitted landfill at 35251 Old Skyline Road in Kettleman City, California, and the Keller Canyon Class II permitted landfill at 901 Bailey Road in unincorporated Contra Costa County near Pittsburg, California; these landfills were identified as the Class I and Class II landfills nearest to the Proposed Project sites that are expected to have sufficient capacity at the time of the Proposed Project's construction. Similarly, the assumed beneficial reuse site is the Montezuma Wetlands Restoration Project at 1485 Collinsville Road, Birds Landing, in Solano County. These landfills and beneficial reuse site were determined to be the mostly likely locations for the receipt of the

Proposed Project's excavated and dredged material based on information available at the time of the Draft EIR preparation.

In response to public comments on the Draft EIR, the Port investigated options to reduce the number of truck trips needed in Oakland and Alameda during the Proposed Project's construction. The Proposed Project has been revised in this Final EIR to reflect that material destined for a Class II (nonhazardous) landfill would be transported by barge to the Montezuma Handling Facility, consisting of a small portion of the Montezuma Wetlands Restoration site (at 1285 Collinsville Rd, Suisun City, CA 94585, where it would be offloaded and put on trucks for transport to the Potrero Hills Class II permitted landfill, 17 miles from Montezuma Wetlands, instead of being transported by truck from the Proposed Project sites to the Keller Canyon landfill. Please refer to Global Response 4: Reducing Local Truck Trips, for additional information.

This assumption regarding the Montezuma Wetlands Restoration Project as the beneficial reuse site was developed based on available information at the time of Draft EIR preparation for the beneficial reuse sites currently permitted in San Francisco Bay. The Port selected the Montezuma Wetlands Restoration Project as the most likely location to have capacity available for the cover- and noncover dredged material. This was also a conservative assumption as the farthest likely beneficial reuse site from the Seaport for the purpose of analyzing impacts associated with the transport of dredged materials, such as air quality and greenhouse gases. At the time of this Response to Comments and Final EIR preparation, the Montezuma Wetlands Restoration Project has capacity to accept 1.5 million cubic yards for foundation material and 15 million cubic yards for cover material. However, Draft EIR Section 3.9.1 identified additional candidate beneficial reuse sites, including the Cullinan Ranch and Restoration Project site in Napa and Solano Counties in the San Pablo Bay National Wildlife Refuge for wetland beneficial reuse, and the Eden Landing Ecological Reserve on the Hayward/Union City shoreline for upland beneficial reuse. Notably, dredged material has market value and is not considered waste in the same manner as the material that would only be suitable for a landfill, which creates an opportunity for competition amongst beneficial reuse site operators. Therefore, there remains the possibility that another similarly situated, or perhaps even a beneficial site that is closer in proximity may be available at the time of construction.

In summary, disposal and beneficial reuse locations could change during the Proposed Project pre-construction engineering and design phase based on the results of the soil and sediment characterization and Dredged Material Management Office review and approval, as well as other factors (cost and available facility capacity at the time of construction). For these reasons, the Port cannot state in the EIR, with absolute certainty, the amount of material that would go to a particular beneficial reuse site or landfill. However, because the excavated and dredged materials would be transported to permitted facilities at similar or shorter distances than those assumed in the Draft EIR, a change in the landfill or beneficial reuse site would not be expected to materially change the findings of the Draft EIR. The handling and transport of dredged material was analyzed in the Draft EIR; and to the extent these activities would contribute to potentially significant impacts (e.g., air quality), mitigation measures were proposed to lessen or avoid impacts. Section 2.5.4 of this Final EIR has been updated to reflect Montezuma Wetlands Restoration Project's current capacity, explain why it remains a conservative assumption for the purpose of the environmental impact analysis, and note additional beneficial reuse sites that

could be used. This revision does not constitute significant new information in the meaning of CEQA Guidelines section 15088.5, and does not require recirculation of the Draft EIR.

As stated in the Draft EIR Hazards and Hazards Materials impact analysis (Section 3.9.4) under Impact HAZ-1, the handling, removal, and disposal of any materials found to be hazardous would be conducted in accordance with existing federal, state, and local regulations, and impacts would be less than significant; this would include material transport.

As described in the Draft EIR Hydrology and Water Quality impact analysis (Section 3.10.4) under Impact HYD-1, to operate in U.S. waters and ports, applicable vessels regulated by USCG under Code of Federal Regulations, Title 33, are required to provide a variety of plans—including a Vessel Response Plan—to the USCG for review and approval. A Vessel Response Plan serves as an oil spill response plan for vessels and includes spill mitigation procedures to mitigate or prevent discharge or threat of discharge resulting from operations, accidents, or emergencies. These measures would minimize the potential for the accidental release of hazardous substances from vessels during the Proposed Project's construction to degrade water quality.

As stated in Draft EIR Section 2.4, one of the Proposed Project's fundamental objectives is to improve conditions for vessel maneuvering and safety, which is expressly designed to reduce (not increase) environmental risks associated with existing maneuvering limitations. The Draft EIR Transportation impact analysis (Section 3.14.4) addressed the Proposed Project's possible impacts related to maritime traffic and safety under Impact TRA-3, and found that Proposed Project impacts would be less than significant.

The risk of an oil spill is influenced by a variety of conditions and factors specific to weather and sea conditions, port operations, navigable waterway particulars, and vessel-specific factors. Weather and environmental conditions such as wind and currents can make navigation challenging, especially in narrow turning basins. Vessel condition, age, and maintenance, including hull design and integrity, engines, and adherence to proper maintenance standards, are crucial to driving down the risk of an oil spill. Navigation and maneuverability within a port can also impact risk. The limited width of the existing IHTB and OHTB results not only in navigation inefficiencies, but may also increase the risk of groundings or allisions, which could result in safety and environmental risks, such as oil spills.

Considering the total vessel calls by ship type with their average fuel tank size, there would be theoretically less total fuel transiting the Bay with the Proposed Project. Although it would be impossible to predict the exact volume of fuel at any moment across all the vessel calls, a rough approximate total amount of fuel can be achieved. Using a total fuel capacity of 1 million gallons for SPX, 1.5 million gallons for PPX, 2 million gallons for PPX1, 2.5 million gallons for PPX, 3.5 million gallons for PPX3, and 4.5 million gallons for PPX4 annually, 6,645.5 million gallons of fuel capacity would call at the Port under the 2050 No Project scenario compared to 6,606.5 gallons of fuel under the 2050 Proposed Project scenario (Table G-20).

Table G-20 Fuel Capacity by Vessel Size for the 2050 No Project and Proposed Project Scenarios

Vessel Type	Fuel Tank in Millions of Gallons	Vessel Calls – No Project 2050	Total Annual Fuel – No Project 2050	Vessel Calls – Proposed Project 2050	Total Annual Fuel – Proposed Project 2050
SPX	1	149	149	52	52
PPX	1.5	126	189	26	39
PPX1	2	518	1036	92	184
PPX2	2.5	701	1,752.5	397	992.5
PPX3	3.5	675	2,362.5	880	3,080
PPX4	4.5	257	1,156.5	502	2,259
Total		**2,426**	**6,645.5**	**1,949**	**6,606.5**

Furthermore, marine vessel diesel fuel usage would also be less under the Proposed Project, at 12,665,542 gallons compared to 13,964,768 gallons under the No Project scenario in the year 2050 (refer to Draft EIR Table 3.6-5).

SFe-7 Response:

Please refer to response to comment SFe-6 and Global Response 9: Biological Resources and Water Quality. In addition, the beneficial reuse of approximately 2.2 million cubic yards of dredged sediment at a wetland restoration site would offset loss of habitat value resulting from the Proposed Project's impact to subtidal benthic habitat (refer to Impact BIO-1 in Draft EIR Section 3.4).

SFe-8 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice. As indicated in Global Response 2, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations by bringing cleaner ships to the Port. Please also refer to Global Response 3: Zero-Emissions Seaport, summarizing the Port's efforts toward transitioning to a zero-emissions Seaport.

SFe-9 Response:

Comment noted.

G.5.3.33 Sherrill Futrell (SFu)

SFu-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice. Please also refer to Global Response 3: Zero-Emissions Seaport, summarizing the Port's efforts toward transitioning to a zero-emissions Seaport.

G.5.3.34 Steve Gorman (SGo)

SGo-1 Response:

Comment noted.

G.5.3.35 Sean Svendsen (SSv)

SSv-1 Response:

The Proposed Project includes use of electric dredge equipment for construction dredging at the Alameda Site.

SSv-2 Response:

The Draft EIR, Section 2.5.1, under Howard Terminal and Alameda Site, acknowledges that the electrical supply for dredging would be supplied from existing electrical infrastructure adjacent to the Alameda shoreline or electrical infrastructure that would be installed at Howard Terminal near Berth 68. Therefore, existing electrical infrastructure in Alameda is one power supply option for electric dredging of the IHTB.

SSv-3 Response:

There is existing electrical infrastructure along the Alameda shoreline adjacent to the Alameda Site that could be used for electric dredging during construction. Please also refer to response to comment SSv-2.

SSv-4 Response:

One of the purposes of widening the turning basis is to improve navigational safety for turning vessels; therefore, it is not practicable to provide facilities that would allow vessels to tie up along the wharf in the IHTB and potentially conflict with turning vessels.

G.5.3.36 Todd Snyder (TSn)

TSn-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport. The Port is not proposing to expand its operations as part of this particular Project, and this Proposed Project would not itself lead to any expansion of operations. Furthermore, electrification will in no way address the need to widen the turning basins.

TSn-2

Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.3.37 Virginia Moriconi (VMo)

VMo-1 Response:

Please refer to Global Response 5: Operational Impacts.

G.5.4 Oral Comments from October 25, 2023, Public Meeting

G.5.4.1 Bill Dow (BDo)

BDo-1 Response:

Comment noted.

G.5.4.2 Margaret Gordon (MGoV)

MGo-1V Response:

The Draft EIR identified significant and unavoidable air quality and noise impacts; mitigation has been proposed, as feasible, to lessen the extent of those impacts. In addition, as indicated under Global Response 2: Community Engagement and Environmental Justice, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations in 2030 compared to a No Project 2030 baseline.

MGo-2V Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice and Global Response 5: Operational Impacts.

MGo-3V Response:

The comment asserts that the Port would be deploying up to 19,000 containers in 72 hours; however, the source of that information was not indicated. Please refer to Global Response 5: Operational Impacts, regarding a traffic study that indicates that the Proposed Project is not expected to cause more truck congestion on local roads. Current landside operations include an appointment system and a comprehensive truck management plan to aid in the management of cargo movement inside the Port. The appointment systems are maintained and managed by the individual terminal operators to moderate transactions (e.g., hourly truck arrivals to a terminal) in accordance with available equipment and staffing. The Proposed Project does not include plans to modify these systems, which are designed to enhance and support efficiencies in container deliveries and pickups (e.g., truck movements), thereby aiding to reduce truck-related emissions on the local community. This Proposed Project is designed to create greater efficiencies in turning ships. The Proposed Project is not proposing to encompass any changes in landside operations, nor are landside operational changes a reasonably foreseeable consequence of this Proposed Project.

G.5.4.3 Bret Andrews (BAn)

BAn-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice. The Draft EIR discloses and addresses this Proposed Project's potential impacts on West Oakland residents, including impacts from construction and operations. In addition, as indicated in the response, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations in 2030 compared to a No Project 2030 baseline.

G.5.4.4 Katrina Thomas (KTh)

KTh-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

KTh-2 Response:

Please refer to Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

KTh-3 Response:

Please refer to Global Response 3: Zero-Emissions Seaport. Electrifying equipment would not address the fundamental purpose of the Proposed Project—to improve and increase safety and efficiencies in the Inner and Outer Harbor Turning Basins.

KTh-4 Response:

Please refer to Global Response 1: CEQA Process.

G.5.4.5 Fern Uennatornwaranggoon (FUe)

Fe-1 Response:

Please refer to Global Response 5: Operational Impacts. In addition, as indicated under Global Response 2: Community Engagement and Environmental Justice, implementation of the Proposed Project would also have a beneficial impact of reducing emissions from Seaport operations in 2030 compared to a No Project 2030 baseline.

Fe-2 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice.

G.5.5 Oral Comments from November 7, 2023, Public Meeting

G.5.5.1 Susan Ransom (SRa)

SRa-1 Response:

Comment noted.

SRa-2 Response:

Comment noted.

SRa-3 Response:

Comment noted.

SRa-4 Response:

Comment noted.

SRa-5 Response:

Comment noted.

SRa-6 Response:

Comment noted.

G.5.5.2 Mandeera Wijetunga (MWi)

MWi-1 Response:

Please refer to Global Response 3: Zero-Emissions Seaport, Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

MWi-2 Response:

Draft EIR Table 2.5-3 identifies the estimated amounts of excavated terrestrial and dredged material and anticipated placement locations. As described in Draft EIR Section 2.5.4, Other Construction Details, the placement locations would be determined through sediment characterization and associated regulatory review during the pre-construction engineering and design phase. As stated in Draft EIR Section 2.5.3 (Detailed Construction Activities) under Dredged Material Rehandling, dredged material not suitable for beneficial reuse would be placed at Berth 10 for rehandling prior to continued transport to a landfill. The anticipated landfills to accept material from the Proposed Project include the Kettleman Hills Class I permitted landfill in Kettleman City, California, and the Keller Canyon Class II permitted landfill in unincorporated Contra Costa County near Pittsburg, California. The anticipated beneficial reuse site is the Montezuma Wetlands Restoration Project in Solano County. With the Proposed Project revised in this Final EIR to include barging the majority of anticipated Class II nonhazardous waste from the landside excavation activities at Howard Terminal and the Alameda Site, Class II (nonhazardous) dredged material from the Inner Harbor may also be barged to Montezuma rather than barged to Berth 10 for rehandling, followed by transport via truck to a Class II landfill.

MWi-3 Response:

Mitigation Measures were identified for the following environmental resource topics: Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources. The mitigation measures were detailed in the corresponding resource sections in Chapter 3 of the Draft EIR, and were also summarized in the Draft EIR Executive Summary Table ES-1.

G.5.5.3 Mike Jacob (MJa)

MJa-1 Response:

Comment noted.

MJa-2 Response:

Comment noted.

MJa-3 Response:

Comment noted.

G.5.5.4 Trish Herrera Spencer (TSp)

TSp-1 Response:

As described in the Draft EIR impact analysis for Geology and Soils (Section 3.7.4) under Impact GEO-1, the Proposed Project would comply with all seismic standards, requirements, and conditions contained in engineering design and construction-related codes, which would ensure structural integrity of built features and safe construction and therefore would not result in increased risk of seismic-related hazards. Although the Proposed Project is not expected to result in significant impacts related to geologic conditions and proposed shoreline improvements, Mitigation Measure GEO-1 has been incorporated in this Final EIR as a response to public comments, and as a precaution to ensure that the final designs and construction measures will comply with applicable seismic standards and maintain soil stability and structural integrity.

TSp-2 Response:

As described in the Draft EIR impact analysis for Biological Resources (Section 3.4.4) under Impacts BIO-1 and BIO-2, the Proposed Project's impacts to San Francisco Bay wildlife and aquatic habitats would be temporary during construction, and less than significant with the incorporation of mitigation measures. The landside areas of Alameda and Howard Terminal are paved and developed with structures, and provide little to no habitat for wildlife; therefore, removal of these uplands would not result in the loss of habitat with any material function and value. Please also refer to Global Response 9: Biological Resources and Water Quality.

G.5.6 Oral Comments from November 14, 2023, Public Meeting

G.5.6.1 Bobby Winston (BWi)

BWi-1 Response:

Comment noted.

G.5.6.2 Margaret Gordon (MGo)

MGo-4V Response:

Please refer to Global Response 3: Zero-Emissions Seaport, Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice. The EIR does address operational impacts, but generally concludes that such impacts would be insignificant because the Proposed Project is expected to increase efficiencies, and therefore reduce existing impacts of the operating turning basins.

G.5.6.3 Susan Ransom (SRa)

SRa-7 Response:

Comment noted.

SRa-8 Response:

Comment noted.

SRa-9 Response:

Comment noted.

SRa-10 Response:

Comment noted.

SRa-11 Response:

Comment noted.

SRa-12 Response:

Comment noted.

G.5.6.4 Mark Manes (MMa)

MMa-1 Response:

Comment noted.

G.5.6.5 Bret Andrews (BAn)

BAn-2 Response:

Please refer to Global Response 5: Operational Impacts, and Global Response 2: Community Engagement and Environmental Justice.

BAn-3 Response:

Please refer to Global Response 3: Zero-Emissions Seaport.

G.5.6.6 Janice Hunter (JHu)

JHu-1 Response:

Please refer to Global Response 2: Community Engagement and Environmental Justice, and Global Response 5: Operational Impacts.

G.6 EARTHJUSTICE SUPPORTERS COMMENT SUBMISSION

The section contains the complete compilation comments from 4,106 Earthjustice supporters. Pages from this submission containing annotated distinct comments are included Section G.3.

Khamly Chuop

From: Oakland Seaport <wordpress@oaklandseaport.com>
Sent: Thursday, December 14, 2023 2:08 PM
To: Turning Basins
Subject: [EXTERNAL] Turning Basins Project Comment Form Submit
Attachments: Earthjustice-Supporter-Comments.docx

The sender of this message is external to the **Port of Oakland**. Do not open links or attachments from untrusted sources.

From: Kyle Berquist

Email: kberquist@earthjustice.org

Message Body:

I am submitting comments in the attached document on behalf of 4,106 Earthjustice supporters that live in California. Thank you for considering their input as your move forward.

Sincerely,
Kyle Berquist
Digital Advocacy Specialist
Earthjustice

Attachment: Earthjustice-Supporter-Comments.docx

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This e-mail was sent from a contact form on Oakland Seaport (https://www.oaklandseaport.com)

Kathryn Hettich, Redding, CA
As a former resident of the Oakland Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Artemis Schatzkin, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. This concept is unacceptable. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Do the right thing. Reanalyze and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Perry Gx, Tustin, CA
Time Is Now To Rethink Period In Regards. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

William Brown, Clovis, CA
As a Californian, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

I-Ching Lao, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Catherine Lanzl, Encinitas, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.NO MONSTER SHIPS!!! ENOUGH IS ENOUGH!!!

rick akers, Long Beach, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Anne Spesick, Cool, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts

will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdensome by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Lacey Levitt, San Diego, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Importantly, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland wildlife.

Carole Cool, Berkeley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Carole Cool

Dani Gersalia, Woodland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your attention to this important matter.

Nancy Kingston, Mission Viejo, CA
As a California resident and as a public health professional and environmental advocate for 35+ years, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning

Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Vivian Ehresman, Chatsworth, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

R D Frankel, Cathedral City, CA
As a California resident, as a regular voting citizen, I am writing to express my on-going dismay. The Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor is fatally flawed and must be overhauled or rejected. Inviting more megaships into Oakland will have a critical, detrimental effect on the Bay Area region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion is highly likely to harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I request that you redo the analysis and recirculate a new Draft Environmental Impact Report. This new Draft EIR must fully consider the direct and indirect negative environmental impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Jack Neff, Los Angeles, CA
As a Californian, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

William Leo Grgurich Jr, Palo Alto, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. At this moment two concepts come to mind. These mega ships are becoming the way to move larger cargo vessels with more items thereby shrinking the number of vessels in the Oceans. Second, currently, the Panama Canal is reporting these newer ships are only 40% full as they transverse through this area due to the lack of rainfall and available water for travel. Furthermore, is there a way to complete this transformation without the negative consequences put forward in this request? The San Francisco Bay area more than likely should make the necessary changes and adjustments for economic reasons and benefits resulting from the industry upgrades on the horizon. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

John Ripley, Pasadena, CA
Have lived in the Long Beach port area so was exposed to the same consequences that this issue deals with. Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Thank you for your time and consideration. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Michael Terry, Santa Monica, CA
Since my younger son is a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution offshore and onshore. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

A. Hernday, Santa Rosa, CA
As a local north bay resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a ***detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will ***reverberate through neighboring communities, negatively impacting the health and well-being of residents. ***In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that •••are already burdened by environmental injustice. ***Furthermore, the proposed expansion could harm endangered species ***and water quality in the San Francisco Bay. •••This could have long-lasting impacts on the ecosystem and the overall health of the Bay. ***** I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that •••fully considers the negative impacts of this proposed expansion on our region and •••the health and well-being of West Oakland residents.

Thomas Cassidy, Clovis, CA
The usual cursory, incomplete environmental assessments used by Army Corps of Engineers subservient to oligarch interests was used to contingently proceed with th Oakland Turning basins project.. The Port of Oakland must be more observant of environmental concerns for the West Oakland area which already has an unmitigated harmful environmental burden. As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Russell Symonds, Costa Mesa, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Janice Schroeder, Berkeley, CA
I am strongly against the widening of the Turning Basins in the Oakland Harbor. As a local resident, I

feel this would be inviting more mega ships into Oakland which will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Debra Brackett, Sonora, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the local community by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Suzan Kaplan, Alameda, CA
When a container company that serves the Port of Oakland moved to Alameda for several years, trucks carrying containers backed up on my street, idling in front of my house while they waited to turn left into the container lot. Let me assure you, the trucks spewing toxic pollutants poisoned the air I breathe. Today, I have Parkinson's Disease, widely believed to be caused by pollutants such as those found found in diesel fumes. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

M DuPree, Sacramento, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Betty Kissilove, San Francisco, CA
As a local resident, I'm writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kay Selzer, Morro Bay, CA
As a California resident, I have great concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jodi Selene, Sebastopol, CA
Oakland, Alameda and other cities in the Bay Area have too much pollution from trucks and ships! I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

David Perry, Palo Alto, CA
DO NOT ALLOW WIDENING OF THE TIDAL BASINS! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland

Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Allegra Printz, San Rafael, CA
My concern is increased SF Bay water pollution from more & bigger cargo ship traffic. Rethink your plan. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Claire Perricelli, Eureka, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maureen Lahiff, Oakland, CA
As a resident of Oakland, I am very concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the

negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Elaine Benjamin, Alpine, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jeanette King, Livermore, CA

I live in the Bay area and am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rose Ann Witt, Westlake Village, CA

As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate throughout neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. The proposed expansion will additionally harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and on the health and well-being of West Oakland residents.

Gloria Sefton, Trabuco Canyon, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the

proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Krista Ward, Emeryville, CA
As a local resident and public health professional, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Linda Melsher, Santa Barbara, CA
Widening the turn basins in Oakland is a terrible idea. It would benefit a few giant corporations and foreign billionaires and cost Californians, especially those in the whole Bay Area. They would suffer the immediate disruptions, pay the collateral ongoing environmental & personal costs,and later when toxic waste costs come due, foot the bill with the rest of California. The Army Corps of Engineers is known for its short-sighted, costly decisions. Keep them out!

Don Leichtling, San Diego, CA
STOP BEINV GREEDY Potable water is the new Oil and tourists will visit because of CLEAN WATER! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jennifer Jerlstrom, Buena Park, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This

could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sharon Barbee, Healdsburg, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Cynthia Bailey, Nevada City, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Cynthia Bailey

Peter Garber, South Lake Tahoe, CA
As a Californian, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kimberlee Stevens, Pilot Hill, CA
The San Francisco Bay has been used and abused for too long as a garbage dump, commodities superhighway, economic driver, and bottomless pit of resources, not the delicately balanced ecosystem that is once was and could become again. The San Francisco Bay is an estuary that filters

pollution brought in from upstream, so it cannot proceed into the ocean. By further carving-out and disturbing the wetlands and bay, you will be harming the wildlife, ecosystem, and local residents just to accommodate the delivery of more products to the west coast. As a concerned member of the community, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stewart Wilber, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Philip Lefcourt, Pasadena, CA
I am totally OPPOSED to the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Brenda Lee, Lakewood, CA
As a California resident with family in the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a

new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maris Arnold, Berkeley, CA
YOU'RE ALL BONKERS TO EVEN CONSIDER ADDING MORE DANGEROUS POLLUTION TO OAKLAND. THERE'S A POINT WHERE COMMERCE ENDS & SAFETY & HEALTH MUST BECOME PRIMARY. THAT SHOULD BE YOUR STANDARD. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley Cofresi, Applegate, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Via

Elizabeth Taylor, San Clemente, CA
As a Bay Area native, I am writing to express my deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shannon Hanaway, Rohnert Park, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts

will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Hewey, San Diego, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Douglas Hammer, Oakland, CA
As a local resident, I continue to be concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

L. Clayton, Sacramento, CA
As my daughter is a local resident to west Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

K Mazaika, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively affecting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shauna Haines, Berkeley, CA
Please do NOT widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland would have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts would reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action would disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. In addition, the proposed expansion is very likely to harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the entire Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region especially on the health and well-being of West Oakland residents. Thank you.

C. Borello, San Jose, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Freda Hofland, Los Altos Hills, CA
I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts

on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Akiko Tamano, San Diego, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Becker, Santa Barbara, CA
I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Lynda Caesara, Berkeley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We have to stop polluting somewhere. The health of West Oakland and San Francisco Bay is of the utmost importance.

Avi Shaprut, Carlsbad, CA
As a long-time California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the

health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Nancy Anne Earl, San Francisco, CA
As a SF Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Anastasia Yovanopoulos, San Francisco, CA
Turning Basins in the Oakland Harbor Attn: Port of Oakland As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, anastasia Yovanopoulos SF, CA 94114

Angela Vanthaneeyakul, Arcadia, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Paola Accusani, Bishop, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaship s into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Christiana Hart, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marcia Edelen, Berkeley, CA
As a Berkeley resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. That proposed expansion could also harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative environmental impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Scott Douglas Laxier, Monterey, CA
Governing based on greed & deceit is unsustainable and immoral. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion

could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

cheryl kozanitas, San Mateo, CA
As a local resident of the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judy Johnson, Placerville, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. NO! NO MEGA SHIPS!

Frank Toriello, Montague, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Bay is already hampered by excessive water extraction for California's water projects that may have already extirpated the Delta Smelt which salmon depend on during their return migration. Further degradation of the Bay can only increase the negative impacts on biodiversity. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Phyllis Senter, Santa Rosa, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. These impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your time and attention.

tevet tee, Los Angeles, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Laure Brecher, Goleta, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Lauré Brecher

Richard Lentz, Fair Oaks, CA

As a frequent visitor to Oakland and San Francisco, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft

Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rosemary Graham-Gardner, Manhattan Beach, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rosemary Graham-Gardner, Manhattan Beach, CA
As a local resident, I am writing to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Nelson, San Rafael, CA
I am writing to oppose the plan to expand the Port of Oakland, which will increase air pollution in neighboring West Oakland. Please consider the impact of your plan on the lives and health of West Oakland residents, who are primarily people of color, and need to breathe clean air, just as we all do. They suffer disproportionately from high rates of asthma, which can be fatal to children and adolescents. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, negatively impacting the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and on the health and well-being of West Oakland residents. It is time to stop sacrificing our health and well-being to corporate profits made from selling us stuff that we don't need.

Henry Morgen, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Virginia Stewart Carton, Orinda, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. There is absolutely NO reason whatsoever that our community should be force-fed a plan of this nature for greedy financial reasons! Any project of this 'envergure' must be thoroughly planned and massively considerate of the people and natural environment it will effect...in this case 'victimize'!

John Knox, Chula Vista, CA
As a frequent visitor to the area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jamie Scott, Pasadena, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Elinor Mattern, San Francisco, CA
As a Bay Area native, a mother, and a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Lou Rosczyk, Murrieta, CA
Seventy percent of West Oakland's residents are people of color. This area is already too polluted with emissions from trucks, trains and ships. I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rich Moser, Santa Barbara, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Vasu Murti, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. The Democratic Party platform should support: Animal Rights, Defending the Affordable Care Act, Ending Citizens United, Ending Marijuana Prohibition, Giving Greater Visibility to Pro-Life Democrats, Gun Control, Net Neutrality, Raising the Minimum Wage to $15 an Hour, Responding to the Scientific Consensus on Global Warming, and a Sustainable Energy Policy. Democrats for Life of America, 10521 Judicial Drive, #200, Fairfax, VA 22030, (703) 424-6663

Sharon Morris, San Leandro, CA
As a local resident, I have continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those effects will reverberate through neighboring communities, negatively affecting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. In addition, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. It could have long-lasting effects on the ecosystem and the overall health of the Bay. I strongly request that you redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative effects of this proposed expansion on our region including the health and well-being of West Oakland residents.

Steven Collins, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening already egregious air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dwight Johnson, Orinda, CA
Inviting more megaships into Oakland will worsen air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Furthermore, the proposed expansion would damage life and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of Oakland residents.

Patricia Price, Davis, CA
As a California resident, I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our

region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to prepare and circulate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents, in particular.

Amanda Taylor, Los Angeles, CA
So many petitions, because apparently doing the right thing is complicated for decision makers. So here is another. DO THE RIGHT THING! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jen Rund, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers ALL impacts of the expansion - including the negative ones! - on our region and the health and well-being of West Oakland residents. As far as I can tell, a majority of Oakland residents do NOT want this expansion. Please, prove it will not harm the environment and residents before proceeding. Thank you.

Michael Lueras, Pacific Palisades, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Michael Lueras

Sandra Metcalf-Moore, Moorpark, CA

I am writing to voice ongoing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Allowing even more megaships into Oakland will have a disastrous impact on the region by worsening air pollution and increasing truck traffic. Those impacts will negatively affect the health and well-being of residents and will disproportionately affect low-income communities and people of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Thomas Proett, Valley Springs, CA

I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more giant ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities in West Oakland. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Andre Tarverdians, San Diego, CA

I'm including this line to indicate that I'm a real person and that this issue is important to me. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Joseph White, Cool, CA

As a Northern California resident, I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will harm our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion

could harm the San Francisco Bay's endangered species and water quality. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Willow Running Hawk, Pleasanton, CA
I grew up in the Bay Area, and I am seriously concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. This plan will increase air pollution and truck exhaust in neighboring communities, seriously impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marcus Maloney, Sacramento, CA
As a local resident, I write with continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Janelle Milner, San Diego, CA
More pollution is just not acceptable! As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. More pollution is not acceptable! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. More pollution is just not acceptable!

Noah Armstrong, San Jose, CA
Please make sure not to increase the amount of toxic exhaust from ships in the San Francisco Bay Area. I already suffer enough from toxic exhaust. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by

worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judith Smith, Oakland, CA
I am an Oakland resident and I'm writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Lois Klepin, Chula Vista, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stephanie Hughes, Redding, CA
As a previous resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

James Michael 'Mike' Henderson, San Luis Obispo, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shira Sanghvi, Oakland, CA
In 2017, during my senior year of high school, I spoke at an Oakland city council meeting against the exportation of coal through the Port of Oakland. It's disheartening that six years later, local leadership still is considering the prioritization of finances over the health and safety of its citizens and ecosystem. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tanya Salof, Rosemead, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Poor and people of color live in polluted neighborhoods because big business gets away with it, change the narrative and do the right thing !

Andy Bunnell, Sebastopol, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate

through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Dods, San Rafael, CA
As a local resident, I am writing to express continuing furor about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental deleterious effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. As a bay swimmer, this is unacceptable.This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stacy Baar, Alameda, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. When is the well-being of the environment going to take precedence over corporate greed? NOW IS THE TIME!!

Kathleen Duffy, San Francisco, CA
As a local resident, who swims regularly in the bay I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Roseanne Costantino, Los Angeles, CA
As a local resident and friend to many living near there, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

James Jordan, Davis, CA
As a northern Californian, I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Virginia Morris, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. (This makes no sense; we need to keep the Bay free of pollution and the world on its way to ending the climate crisis.)

Rosann Lynch, Monterey, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing traffic. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. I urge you to redo the analysis and

recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Jesse Greenspan, Berkeley, CA
I'm a Berkeley resident writing in opposition to the Port of Oakland's current plan to widen the Turning Basins in the Oakland Harbor. West Oakland is already one of the most polluted places in the area, and this plan would only bring in more air pollution and further harm water quality. Please fully consider the environmental and health implications of a port expansion. Thanks very much for your time.

Theresa Bucher, Tarzana, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

George Hague, Moreno Valley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. JUST DO IT === PLEASE

Irina Irvine, Petaluma, CA
As a concerned ecologist and local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Doane, Watsonville, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Due diligence should not be optional on a project this impactful.

Rev. Allan B. Jones, Santa Rosa, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Deborah Colotti, Sebastopol, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. ******** I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. **********

Margo Krindel, San Francisco, CA
When I was a baby I lived in Oakland and a pediatrician found high levels of lead in me. My parents moved to San Francisco and a later test found that my lead levels went down. I almost certainly tested high for lead because of pollution in Oakland, and I will never know how that early exposure impacted my health. As a San Francisco resident, I am writing to express continuing concern about the Port of

Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Richard St. Angelo, Cloverdale, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Denise Mauldin, Walnut Creek, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low- oncome communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Unless and until we are able to anticipate and adequately mitigate the air, water and ground polluting impacts of vastly increased megaship visits to the Bay, the turning basin widening project must not proceed! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Nancy Henry, Santa Rosa, CA
Having grown up in Los Angeles smog in the 70s my lungs bear the detrimental results of exposure to air pollution. I have suffered from asthma and have been repeatedly hospitalized for respiratory issues. Quality air is a right for everyone and important to our society as a whole, to ensure people can grow up healthy and not become a burden on society due to pollution and ill-advised, or ill-planned commercial ventures. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively

impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Chris Eaton, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Helene Minniti, Canyon Country, CA
Planet and people before profits! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Susan Blain, San Diego, CA
As a concerned citizen, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Going forward with this plan in a climate crisis can come to no good and would cause a lot of harm. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Kae Bender, Lancaster, CA
Everyone everywhere should express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. More pollution anywhere is a threat to us all. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Pamela Montgomery Montgomery, Saratoga, CA
As a local resident, I am writing to express HUGE concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a TERRIBLE effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jean Lindgren, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic!!!! Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice!!!!!!!!! Furthermore, the proposed expansion will harm endangered species and water quality in the San Francisco Bay. This will have long-lasting impacts on the ecosystem and the overall health of the Bay!!!!!!!!!! I very strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents!!!!!!!!!!!!!!!!!!!

Laurel Feierbach, Visalia, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mark Feldman, Santa Rosa, CA
As a local resident, I am writing to EXPRESS CONTINUING CONCERN ABOUT THE PORT OF OAKLAND'S PLAN TO WIDEN THE Turning Basins in the Oakland Harbor. Inviting MORE MEGASHIPS INTO OAKLAND Oakland WILL HAVEA DETRIMENTAL EFFECT on our region BY WORSENING AIR POLLTION AMD OMCREASOMG TRUCK TRAFIC. and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Curtis Marantz, Riverside, CA
I write to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Eliza Briggs, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Accordingly, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Wendi Raw, San Francisco, CA
Today is a yellow air day. For no other reason than the pollution, we generate ourselves here in the bay area. My asthma is flaring, everyone is talking about feeling bad, and you want to bring more pollution to our lives. As a local resident, I am deeply concerned about the Port of Oakland's plan to

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Ferroggiaro, Santa Rosa, CA
I am writing on behalf of our 12 family voters and three children who are local residents, to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. We all urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Arlene Hansen, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. We're trying to DECREASE AIR & WATER POLLUTION. This "plan" is far from that! Please, terminate your plan & create non polluting plans! Thank you! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Chris Rose, Petaluma, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Peggy Burns, Rowland Heights, CA
As a Southern California Democrat resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Ross, Rancho Palos Verdes, CA
I am writing as I have family members residing in this area and several friends. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

R D Frankel, Cathedral City, CA
As a California resident, I am writing to express my horror and continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Friend Friend, Santa Clara, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of

residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. but y'all do as you've always done and screw the poor. Stop murdering us. This shit is criminal & poison to us. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tim Laidman, El Cerrito, CA
As a longtime, local resident, I am writing to express my extreme and continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. I am personally already burdened by health effects probably from pollution. I have two types of cancer and had a heart attack two years ago in spite of having a vegan diet, playing soccer three times a week and having no family history of disease. Please consider he cumulative health effects of multiple sources of pollution from the port, shipping, major freeways, toxic dumps, heavy industries and refineries and see that port expansion is another step too far for the health of the Bay Area. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion and pre-existing pollution sources on our region and the health and well-being of West Oakland residents.

Sherman Lewis, Hayward, CA
I oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor for more megaships. It will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mark Bartleman, Laguna Beach, CA
I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland would appear to have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. This action would disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. And the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to revisit the analysis and recirculate

a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. Thank you.

Dale Haas, San Diego, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Paul Brigham, Fairfax, CA
As a citizen and parent who cares deeply about our environment, I believe we must do everything within our power to protect it and its inhabitants for future generations. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Monica DuClaud, San Francisco, CA
The Bay Area s my home. I want to express my deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a damaging effect on our region by increasing air pollution and truck traffic. This will hurt the health and well-being of our communities. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. In addition, the proposed expansion will harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jeannine Jacobs, Atascadero, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and

communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Something that large should never have been built? Oakland is' up and coming', there are more industries to consider than simply the military. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Holly Buchanan, Rancho Cucamonga, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic! Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents! In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay!!. This could have long-lasting impacts on the ecosystem and the overall health of the Bay!! I urge you to REDO the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents!!

Lisa Carey, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Let's take care of the children and living beings, before going for the dollars!! People over profits!! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sheila Tarbet, El Cerrito, CA
I'm a local resident and a former public health program planner. I am writing to express my serious concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. We know this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. See CalEnviroScreen data. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Nami H, Los Angeles, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your kind attention.

Ariella Granett, Berkeley, CA
I work in downtown Oakland and I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Greg Jacobus, Murphys, CA
As northern California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Anne Padilla, Yucca Valley, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mary Ragsdale, Ripon, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Mary Ragsdale

Thorsten Ostrander, San Diego, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Please do the right thing.

Michele Halligan, Aptos, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

nancy clatfelter, San Bernardino, CA
As a California native and lifetime resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck

traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Robert Longer, Sacramento, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tricia Talle, Sacramento, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Mega ships carrying large containers are not the way to go.

Laurie Fosner, San Mateo, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. The proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. And as usual, the negative impacts on residents will affect people of low income who already suffer from environmental injustice. Pleaes redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Sincerely, Laurie Fosner

Nancy Caponi, Santa Barbara, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a

detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Max Hallman, Merced, CA
As a California resident and a frequent visitor to the Bay Area (including Quinn's Lighthouse Restaurant in Oakland), I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

David Felton, West Sacramento, CA
As a regional resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

C E Mone, Trinidad, CA
As the relative of a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Nancy Caponi, Santa Barbara, CA
As a Santa Barbara resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I lived in Oakland in the early 1980s, and I know how overburdened that community is already. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Brenda Christensen, Redwood City, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Please be responsive to this request. It is important to the lives of so many and many unknown.

MAUREEN PERRON, Half Moon Bay, CA
I am very concerned. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tanya Paul, Fair Oaks, CA
As a person who lives close by and who frequently spends time (and money) in the Bay Area, I am writing to express my extreme and continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a terribly

detrimental effect on this region by worsening air pollution and increasing truck traffic. This plan is truly unacceptable. Those impacts will reverberate throughout the neighboring communities, negatively impacting the health and well-being of residents, human and nonhuman (who should count, too, as this planet is all living beings' only home). In particular, this action will, of course and as always, disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I most strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Bruce Coston, Sunnyvale, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Stop the insanity , and use Marcus Schulze CSSD. 2x Condorcet Voting to comply with the Universal Declaration of Human Rights part 21.3 . Increase the social safety net with minimum income .

Carol Kinser, Elk Grove, CA
As a local California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

James Barkovich, Mill Valley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San

Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. SAVE THE BAY!!

Jan Sownie, Bellflower, CA
As a frequent visitor to Northern California, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Linda Fidell, Morro Bay, CA
I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sue Yager, Los Angeles, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Pleease redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Christine Fluor, Corona Del Mar, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of

residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marcia Edelen, Berkeley, CA
As an E Bay resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will radiate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already extremely burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Lucy Clark, Bakersfield, CA
As a frequent visitor to this area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

MARILYN WOOLLARD, Davis, CA
I am writing to express MY concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Karin Lease, Sebastopol, CA
As a local resident, I am HORRIFIED about the Port of Oakland's plan to widen the Turning Basins in

the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Catherine Nichols, Concord, CA
As a Bay Area resident , with grandchildren born in W Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Charlotte Sach, Del Mar, CA
My name is Charlotte Sach, I am 16 years old, and I am concerned about air pollution. For one, air pollutions causes millions of deaths worldwide per year. Secondly, the planet can't afford any more greenhouse gases in the atmosphere if we want climate change to remain below 1.5°. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Richard Lentz, Fair Oaks, CA
As a frequent visitor to the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

JERI LANGHAM, Sacramento, CA
AS A PROFESSOR EMERITUS OF BIOLOGICAL SCIENCES AFTER 38 YEARS OF TEACHING PRINCIPLES OF ECOLOGY AT CALIFORNIA STATE UNIVERSITY AND 37 YEARS OF LEADING TRIPS FOR VICTOR EMANUEL NATURE TOURS, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Michael Stolte, Upland, CA
As a Californian who values environmental justice for marginalized communities, I am writing to express urgent concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on that region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Gary Dismukes, San Diego, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marilyn Guida, Grass Valley, CA
I've been to Oakland many times and I'm appalled at the plan to widen the turning basin and increase megaships in the Oakland Harbor. We can't ignore the residents. The health impacts are huge and many residents already can't afford health care. The only protection from the worsening air quality

will be moving out of the area, which people can't afford. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tina Arnold, Rio Vista, CA
As a local resident, I am writing to express strong opposition to Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. Of course, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Denise Vanzago, Burbank, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. No one should have to shoulder the economic burdens of port expansion. No one!

Katrina Matos, Santa Rosa, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental degradation. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick McKee, Mercer Island, WA
As the grandfather of an Oakland kid, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stephan Kuttner, Berkeley, CA
Shipping creates massive amounts of pollution which has contributed much to our climate crisis. Local ports must pressure shipping concerns to use cleaner energy now! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jack Fleck, Oakland, CA
As an Oakland resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The dredging and expansion of megaships should be coupled with electrification of all drayage trucks and electric hookups of all ships in the Port of Oakland. If these are accomplished, then the environmental impacts of the dredging also need to be mitigated before approval of the project. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Steve O'Neil, Cupertino, CA

As a local Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. I am particularly concerned about wetland environments, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Allison Eckert, Petaluma, CA
As a Bay Area resident and supporter of ecological and human health in West Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dianne Sullivan, Modesto, CA
As a CA resident, & FORMER BAY AREA REIDENT I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Ben Sieke, Torrance, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patricia Matejcek, Freedom, CA
As an area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, bringing long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Karen Burtness Prak, Menlo Park, CA
As a local resident, I want you to understand my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega ships into Oakland will clearly have a detrimental effect on our region, worsening air pollution and increasing truck traffic. Those impacts will impact neighboring communities, negatively affecting the health and well-being of residents. It will especially, and disproportionately, affect those low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, which in turn could create long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

L. Clayton, Sacramento, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland and Emeryville that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to accurately redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Helen Hobart, Sacramento, CA
Greetings. I feel deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Such a policy will have add to air pollution and increase truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Please pause, consider the human impact, and redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Llewellyn, Walnut Creek, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jay Atkinson and Ariel Summerlin, El Sobrante, CA
As East Bay residents, we oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

bonnie Kohleriter, Alamo, CA
We have been fighting pollution issues in this area of Oakland for years with the trucks and ships. More ship need to be seriously considered in view of the harm to the citizens living in that area. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Leah Halper, Santa Rosa, CA
As a Bay area resident, I know pollution knows no bounds. So I am writing to express continuing

concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kimberly Baker, Arcata, CA
As California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Alisha Seaton, Los Angeles, CA
As a CA resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tina Digesti, San Rafael, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Lee, Saratoga, CA
I'm writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in Oakland Harbor. More mega-ships will have a detrimental effect by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively affecting the health and well-being of residents. This action will disproportionately affect low-income communities and communities of color that are already burdened by environmental injustice. And the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion.

Menghan Zhu, Los Angeles, CA
As a concerned resident of the local community, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley McGrath, Walnut Creek, CA
I am very concerned about the health of San Francisco Bay! Please restrict polluting boats and barges and trucks! I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maeve Murphy, Corte Madera, CA
As a Bay Area resident and sailor who grew up in Alameda, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened

by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We must protect our precious Bay environment from excessive pollution levels for wildlife and all residents, especially low-income communities. Thank you.

Joanne Hedge, Glendale, CA
As a former Bay Area local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Therefore, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents!

Dehra Iverson, Costa Mesa, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on this region and the health and well-being of West Oakland residents.

Robert Lowe, El Sobrante, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic, with significant deleterious consequences for the health and well-being of neighboring communities especially. In particular, this contemplated action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. There are no commercial benefits that could outweigh the obviously negative environmental consequences of widening the Turning Basins. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Susan Boggiano, Oakland, CA
As a local resident, I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Ashley McClure, Berkeley, CA
As a local resident and physician practicing in Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Pavle Cajic, San Francisco, CA
Hello, I hope this message finds you well. I'm reaching out as a 29-year-old physics and music student in San Francisco, sharing my ongoing concerns about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. As someone who has lived in Oakland recently, the thought of more megaships coming into Oakland is bothering me, knowing it could make the air quality worse and lead to more truck traffic. It's not just about ships; the ripple effect of these changes will reach communities, affecting the health and well-being of residents. I'm particularly worried about how this might hit hard on low-income communities and communities of color in West Oakland, which are already dealing with environmental injustice. What's even more concerning is the potential harm to endangered species and water quality in the San Francisco Bay. The lasting impacts on the ecosystem and the overall health of the Bay are not something we can overlook. I'm urging a second look at the analysis and a fresh Draft Environmental Impact Report that truly takes into account all the downsides of this proposed expansion on our region and the health of West Oakland residents. Thanks for listening, and I appreciate your consideration. Sincerely, Pavle Cajic

Betty Kissilove, San Francisco, CA
As a local resident, I'm writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rachel Loui, Mountain View, CA
As a local resident and East Bay native, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Katherine Roberts, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I was told to edit this but I can't find a single thing to add — it seems perfect as it is. So please take our objections seriously. We honestly shouldn't even have to be pointing them out.

Mary Hicklin, Lakeside, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Susan Worden, Rio Vista, CA

As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I urge you to thoroughly onside the negative impacts of this project. We need to respect the life of the earth, the ecosystem of the bay, the nearby residents and animal disturbances. Who wants more truck traffic, and air and water pollution? We don't!

Richard Youatt, Los Altos, CA
As a Bay area resident, I write to express deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Deborah Svoboda, Emeryville, CA
As a local resident, and boat owner, recreating on the bay. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Timothy Quinn, Davis, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the

negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sheila Rollins, Laguna Woods, CA
I love the Bay!As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

C. E. Mone, Trinidad, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Brian Waters, Orinda, CA
As an Oakland native, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Alice Nguyen, San Jose, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and

communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Port must redo and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on Bay ecosystems, the health and well-being of east Bay residents, particularly those in West Oakland, and the global climate.

Pamela Mcdonald, Riverside, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I AM NOT A LOCAL RESIDENT, BUT A CONCERNED CALIFORNIA RESIDENT. WE LIVE IN ONE OF THE MOST DIVERSE, BEAUTIFUL, AND SUCCESSFUL STATES IN AMERICA. I'M RESPONDING WITH CONCERN TO MAINTAIN THOSE ATTRIBUTES. IT'S IMPERATIVE FOR THE FUTURE OF OUR STATE, OUR ECONOMY, AND THE LIVES OF BAY-AREA RESIDENTS. OAKLAND IS SITUATED IN ONE OF THE MOST IMPORTANT AREAS IN OUR STATE. ALTERING THE NATURAL BAY TO ALLOW LARGER SHIPS WOULD INCREASE REVENUE, BUT IT'S IMPERATIVE TO CONSIDER THE POTENTIAL HARM IT WILL LIKELY BRING WITH IT - AIR AND SEA POLLUTION HAS THE POTENTIAL TO NEGATE ANY REVENUE INCREASE, AND HEAVILY-TRAFFICED WATERFRONT WILL DEFINITELY HAVE A NEGATIVE EFFECT ON THE BAY, AS A PREVIOUS VISITOR, PERHAPS YOU SHOULD DIRECT YOUR EFFORTS TO IMPROVE YOUR 'CITY' FIRST. IT DESPERATELY NEEDS IT!

Alexander Obersht, San Francisco, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tony Mauro, Berkeley, CA
As a local resident, I am writing to express my continuing concern about the Port of Oakland's plan to widen the turning basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and

communities of color in West Oakland that are already burdened by environmental injustice. The proposed expansion will probably also harm endangered species and water quality in the San Francisco Bay, with long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of residents.

Kathy Sabatini, Fair Oaks, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and further damage water quality in the San Francisco Bay. This would have long-lasting impacts on the ecosystem and the overall health of the Bay. I ask you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully and accurately considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Michelle Petro, El Dorado Hills, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Emily Morris, San Mateo, CA
As a local resident, I am echoing many others writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Nancy W Nelson, Mendocino, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. I do not live full time in Oakland, but have many friends who do, and I visit frequently. Please do not allow widening of turning basins in the Oakland Harbor to endanger the health of Oakland and its environs. Sincerely, Nancy W. Nelson

c s, San Diego, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Absolutely NO megaships!!

Elizabeth Edinger, North Hollywood, CA
I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will worsen air pollution and increase truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

regula hess, Dixon, CA
En tant que résident local, je vous écris pour vous faire part de mon inquiétude constante concernant le projet du port d'Oakland d'élargir les bassins de retournement dans le port d'Oakland. Inviter plus de méganavires à Oakland aura un effet néfaste sur notre région en aggravant la pollution de l'air et en augmentant le trafic de camions. Ces impacts se répercuteront sur les communautés voisines, ce qui aura un impact négatif sur la santé et le bien-être des résidents. En particulier, cette action affectera de manière disproportionnée les communautés à faible revenu et les communautés de couleur de West Oakland qui sont déjà accablées par l'injustice environnementale. De plus, l'expansion proposée pourrait nuire aux espèces en voie de disparition et à la qualité de l'eau dans la baie de San Francisco. Cela pourrait avoir des répercussions à long terme sur l'écosystème et la santé

globale de la baie. Je vous exhorte à refaire l'analyse et à remettre en circulation une nouvelle ébauche de rapport d'impact environnemental qui tient pleinement compte des impacts négatifs de ce projet d'expansion sur notre région et sur la santé et le bien-être des résidents de West Oakland.

Joan Murray, Los Angeles, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sherrill Futrell, Davis, CA
Another environmental nightmare. STOP IT. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mariana Mellor, Thousand Oaks, CA
A healthier society will build a healthier state. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marisa Davis, Los Angeles, CA
I grew up in the East Bay and I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of

residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Stephen Shub, Oakland, CA
As a local resident, I am writing to express continuing disappointment about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Please listen to the people and not the purses!!

Michael Raffaeli, Truckee, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic, including more train traffic in my town. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Melissa Harper-France, Saint Paul, MN
Though I am not a local resident, I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The harms of pollution does not know city limits or state boundaries, and I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Hassan Abdul-Wahid, Los Angeles, CA
As a human who cares, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Davena Gentry, East Palo Alto, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. How will we ever mitigate climate change if we have more polluting ships?! ??

Cynthia Whitman, Sonoma, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

michael sullivan, Albany, CA
As a local resident, I am writing to strongly express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

singgih tan, San Jose, CA
As a local resident, I strongly oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaship traffic will have a detrimental effect on our region by worsening air pollution and increasing truck traffic and increase climate pollution globally. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents, especially those historically disproportionately burdened with pollution. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. Please redo the current inadequate analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region's air & water quality, noise levels, traffic congestion, the Bay's ecosystems & biodiversity, the health and well-being of the region's communities and West Oakland residents in particular, the global climate.

Victoria Friesen, South Pasadena, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

W. Lynch, Los Angeles, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Gudrun Ulman, Escondido, CA
My son and his wife are residents of San Francisco, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on their region by worsening air pollution and

increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Duane Wall, San Luis Obispo, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. #Amen. ????????

Yvonne Smith, Upland, CA
I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbors. Inviting more megaships into Oakland would have a detrimental effect on the region, worsening air pollution and increasing truck traffic. The deleterious effect would reverberate through neighboring communities, negatively affecting residents' health and well-being. The action would disproportionately affect low-income communities and communities of color in West Oakland already burdened by environmental injustice. Furthermore, such expansion would harm endangered species and water quality in the San Francisco Bay and have long-lasting effects on the ecosystem and the overall health of the Bay. I urge you to revise the analysis and recirculate a new Draft Environmental Impact Report that fully addresses the negative effects of the proposed expansion on the region and the health and well-being of West Oakland residents.

Ron Rouda, Venice, CA
While I am not a Bay Area resident I do have family living in Alameda. I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Alethea MacKinnon, Oakhurst, CA

As a resident of CA, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jane Armbruster, Oakland, CA
I live in Oakland, and I am concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Doing so invites more megaships into Oakland. That will increase truck traffic and thereby worsen air pollution. Those impacts will reverberate through neighboring communities, and negatively impact the health and well-being of low-income communities and communities of color in West Oakland that already bear a burden of environmental injustice. Also, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Harry Williams, Santa Cruz, CA
HELLO, As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suzanne Jones, Moraga, CA
As an East Bay resident, I do not support the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Our bay ecosystem and its nearby residents are already suffering from air and water pollution from the large amount of shipping traffic already being accommodated. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that

fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Felix O, Oakland, CA
Let's do whatever we can to make it more difficult to pollute. If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Tamara Haw, Oakland, CA
As a long-time Oakland resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dorrit Ragosine, Los Angeles, CA
As a former local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Karen Jacques, Sacramento, CA
As a California resident who frequently visits Oakland, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and

increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Julie Kanoff, Sacramento, CA
Oakland has had enough negative environmental impacts for a lifetime! As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Wilson Lee, Sacramento, CA
As a state resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Veronica Oberholzer, Oakland, CA
As a lifelong Oakland resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judith Kirk, Redwood City, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. PLEASE, you MUST redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. How can you push all the terrible effects of enlarging this port on the people of Oakland and bring so much pollution to the Bay Area????

Lana Touchstone, Vallejo, CA
After four years of living in Houston I developed asthma. Now as a local resident, I am very concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick Chandler, Santa Ana, CA
People who criticize ships coming into port must not care about receiving goods. If they are concerned about the air quality they can move somewhere else.

Joel Isaacson, Berkeley, CA
I am a local resident, and I am writing to express my concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. More megaships? That's all we need. More air pollution and increasing truck traffic? Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Sheryl Iversen, Murrieta, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate

through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

John Zimmermann, Long Beach, CA
As a resident of California, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maija Schaefer, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for considering my comments.

Marie J Salerno, Greenbrae, CA
Is it really always just about money? The bay is an important ecosystem to many areas of the west coast not to mention the fish and others in the sea. We pay your salaries and this is not where I want my money to be going. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report

that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Plantamura, San Diego, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Garth Saalfield, Fort Bragg, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I grew up and I'm intimately familiar with that area and wish it not to be destroyed by additional Super Tankers and Mega Structures! I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your consideration!

Shoshana Dembitz, Berkeley, CA
As an asthmatic local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Shirley Shelangoski, Pleasant Hill, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts

will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for considering the marginalized in our community.

Zoe Temple, Los Angeles, CA
As a former local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Melissa Mendes Campos, Ben Lomond, CA
Have you BEEN to Oakland? As a Bay Area resident and commuter, I am writing to express deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. This will invite more megaships into Oakland and have a detrimental effect on our region by increasing already ridiculous truck traffic and worsening air pollution. These impacts will immediately affect neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Additionally, the proposed expansion could harm threatened and endangered species and water quality in the San Francisco Bay. This could all have long-lasting detrimental impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis properly and recirculate a new Draft Environmental Impact Report that rigorously and fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Rachel Ross, Oakland, CA
I am an Oakland resident and am very concerned about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Elizabeth Menkin, San Jose, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Kuelper, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. As a resident of Oakland I want to see this analysis redone. I attended a zoom meeting about this issue. It was apparent to me that there had been little to no engagement with West Oakland residents in a meaningful way. Concerns about the increased pollution and truck traffic were dismissed. Time to do better!

Dan Stone, Carmichael, CA
I write to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this already burdened region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland — residents who are already suffering the effects of environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that honestly and fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. Thank you.

Deborah Kistler, Lemon Grove, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In

particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on this region and the health and well-being of West Oakland residents.

Julie Neidich, Ladera Ranch, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Gloria and Jim Purcell, Belmont, CA
As local residents, we are writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion are certain in our opinion to harm endangered species and water quality in the San Francisco Bay. This would have long-lasting impacts on the ecosystem and the overall health of the Bay. We remind you that we are currently well into the Sixth Extinction! We are also seeing all waterways under threat of incredible amounts of plastic and other pollution. We urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers all of the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland and all Bayside residents. Most of all, we strongly believe that the vast and powerful changes in the overall climate and environment, including all of the above and ocean acidification and warming and more, are vital factors against building huge new projects that enlarge the human footprint. From our personal viewpoint, living on the Peninsula for 80 years, the water, air and land damages we have seen over decades have been damaging beyond words to every ecological sector and to local humans as well. Please reconsider the DEIR from a fuller realization of all of the negative impacts, especially cumulative, on all of us.

Deb Cohen, Alameda, CA
As a local resident, I am writing to express my anger, frustration, and alarm about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action wil bring significant sources of new air

pollution to a federally designated nonattainment area and should be subject to heightened standards of environmental review. To discount these impacts and to do a flimsy or significant preparatory lawsuit now is to invite lawsuits later. Not only that, it will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of residents of Alameda County and that proposes actionable steps to mitigate these harms, as you required to do under federal and state law. An ounce of precaution/mitigation and an intellectually honest EIR process right now is much cheapter morally, legally, and financially than a headline-grabbing class action lawsuit later by lawyer moms like me who are concerned about your lack of concern for the health of our children.. Sincerely, Deborah A. Teitler, J.D.

Gloria Choi, Union City, CA
I'm a local East Bay resident writing to express my continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, impacting the health and well-being of residents. Our low-income communities and communities of color are already burdened by environmental injustice, and this action will continue to perpetuate these harms. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Marci Yellin, San Francisco, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you.

Ciara Preston, Caldwell, ID
As a former resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the Bay Area and the health and well-being of West Oakland residents.

Nicolas Riani, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. West Oakland residents who have already been dealing with pollution for years do not deserve additional pollution, impacting their health.

Jackie Feazell, Oakland, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Look what happened in Venice when they dredged to allow huge ships in. Think deeply about what you want to do. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Judy Schultz, San Francisco, CA
As a nurse and a San Francisco resident who walks along the Bay every day, I implore you to not widen the Turning Basins in the Oakland Harbor. We need to stop prioritizing money over human health, wildlife, and their habitat. Having more megaships in Oakland's harbor will worsen air pollution in an already polluted area by increasing ship pollution and pollution for the additional truck traffic to carry goods from the port. As you know, this pollution will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. The type of expansion proposed will disrupt endangered species and adversely affect water quality in the San Francisco Bay. We have lost so much wildlife and habitat in the last fifty years that we simply cannot afford to continue to degrade places like the Bay and lose more habitat and wildlife. I implore you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Linda Penrose, Rancho Palos Verdes, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to

widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for reading and your serious consideration to this message.

Kate Lenhardt, Alameda, CA
As a person of faith and a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Margaret Lyons, Palos Verdes Estates, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. As a resident of the area near the Los Angeles and Long Beach harbors, I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents. We Californians who are affected by the pollution that accompanies a harbor for large ships hope you will spare West Oakland any more of what we already have here in Southern California.

JUDITH STANTON, Dana Point, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the

proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Karen Naifeh, San Mateo, CA
As a local resident, I am writing to express continuing extreme concern and upset about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I VERY strongly urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Suteibun Rin, Placentia, CA
As a concerned citizen, I am writing to express continuing worry about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Thank you for your time and consideration.

Kristen Wick, Pleasant Hill, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Russ Purvis, Citrus Heights, CA
As a former resident of the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into

Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Alan Solomon, Palm Desert, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. My name is Alan Solomon. I live in southern California. I completely Agree with and strongly Support the above statement/petition Today and for many years and generations to come. Thank you for your time Today. Alan Solomon

Michael W Evans, Los Angeles, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more mega-ships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Elizabeth Via, Jamul, CA
As a California resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring Oakland communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. Everyone in California is affected by additional and unnecessary pollution in the Oakland area. I

urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on this region and the health and well-being of West Oakland residents.

H. S. Nadler, Novato, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion poses harm to endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay Area. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kathleen Smith, San Jose, CA
As a local resident, I continue to be concerned about the harm of inviting more megaships into Oakland Harbor that would increase noxious air pollution and unsafe truck traffic. As stewards of the Earth, we must protect our environment and the health and safety of all who live here. I urge you to circulate for public comment a new Draft EIR of the proposed Oakland Harbor expansion that fully considers its negative impacts on our region and the health and well-being of West Oakland residents. The harm of such a proposed expansion to the Port of Oakland would reverberate through neighboring communities, negatively affecting the health and well-being of residents. In particular, this action would disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. The proposed expansion could harm endangered species and water quality in the San Francisco Bay -- unleashing long-lasting impacts on the ecosystem and the overall health of the Bay.

Susan White, East Palo Alto, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. As someone who lives a couple of blocks from the bay and walks in the baylands every week, the health of the bay is incredibly important to me. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Richard Gray, Forest Knolls, CA
As a Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice.

Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kelalani Luong-Kha, Garden Grove, CA
As a California resident who spends a lot of time visiting family in the Bay Area, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Janette Wolf, Benicia, CA
As a local resident who suffers from severe asthma, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Hillary Black, Los Angeles, CA
I am writing to express my deep concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion will harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Bridget Barron, San Anselmo, CA
As a local Bay Area resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will

have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting, deleterious and hard-to recover-from impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Maria Reyes, San Jose, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. We have enough air, land and noise pollution in our area. We need to have relief for the families who are living under these negative conditions. People over money. Maria Reyes - Casual Community

Suteibun Rin, Placentia, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jeannette Farley, Emeryville, CA
As a West Oakland resident I have to say: Really? We've had huge resistance to the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by significantly worsening (currently unholy) air pollution and increasing truck traffic on already crowded Interstates 80/580/880 Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. As usual, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the

Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Kyra Rice, Oakland, CA
As a local resident, I am writing to express extreme concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland living near the ports that are already burdened by environmental injustice. The proposed expansion will inevitable harm endangered species and water quality in the San Francisco Bay. This WILL have long-lasting impacts on the ecosystem and the overall health of the Bay - whatever wildlife that still remains and the humans. We demand you redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Jennifer Russell, Walnut Creek, CA
I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Allowing huge ships will have a very negative effect on the Bay Area by worsening air pollution, increasing truck traffic and causing low-income communities to be disproportionately affected. That's environmental injustice.! The proposed expansion could also harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Patrick Carr, Arcata, CA
As a Northern California resident who regularly travels to the East Bay, I am writing to express concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on the Bay Area by worsening air pollution and increasing truck traffic. I already find traffic on 580 to be dreadful. That's a concern for me, but for local residents, even greater impacts will reverberate through neighboring communities, affecting the health of residents. Enlarging the Turning Basins will disproportionately affect low-income communities in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay, already reeling from past development.. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the impacts of this proposed expansion on the health of West Oakland residents and on the environment of the Bay and its ecosystem..

Leslie Friedman, Mountain View, CA
As a local resident, I am writing to express serious concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. This change will have severely negative impacts on the SF Bay. It will expose residents to more pollution which will certainly cause diseases and shortened life expectancy. There is absolutely no justification for this

outrageous project. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. The Army Corps of Engineers submitted a flawed environmental report. It is unacceptable to move forward on such a destructive project with a flawed report as its support. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Lena Nilsson, Laguna Beach, CA
I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on this region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on the region and the health and well-being of West Oakland residents.

Linus O, Oakland, CA
If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. Let's do whatever we can to make that less likely. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Dennis O, Oakland, CA
It is a moral imperative to do whatever we can to make it more difficult to pollute. If we don't drastically cut emissions in six years, we're looking at a temperature rise of 2.7 degrees Celsius by 2050. Good luck maintaining the status quo then. As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West

Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Mical Woldemichael, San Francisco, CA
As a young person of color with a family history of asthma, I am concerned over the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Bardoff, San Leandro, CA
We don't need any more over-sized, polluting ships coming into the Bay Area. I oppose the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. I am particularly concerned a bout the health impacts on low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Deterioration of water quality and other affects on the ecosystem of San Francisco Bay are also problematic. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Margaret Mulligan, Berkeley, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents. Please consider the needs of the West Oakland community and pay attention to what they need and deserve for a better life. Sincerely, Margaret Mulligan

romani b, Glendora, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a

detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Susi Higgins, Glendale, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Daniel Wilkinson, Long Beach, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Carol Lake, Solvang, CA
As a local resident, I am writing to express continuing concern about the Port of Oakland's plan to widen the Turning Basins in the Oakland Harbor. Inviting more megaships into Oakland will have a detrimental effect on our region by worsening air pollution and increasing truck traffic. Those impacts will reverberate through neighboring communities, negatively impacting the health and well-being of residents. In particular, this action will disproportionately affect low-income communities and communities of color in West Oakland that are already burdened by environmental injustice. Furthermore, the proposed expansion could harm endangered species and water quality in the San Francisco Bay. This could have long-lasting impacts on the ecosystem and the overall health of the Bay. I urge you to redo the analysis and recirculate a new Draft Environmental Impact Report that fully considers the negative impacts of this proposed expansion on our region and the health and well-being of West Oakland residents.

Bill Lindner, San Rafael, CA
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Mariano Svidler, San Mateo, CA
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Rebecca Martin, Sacramento, CA
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kent morris, Fullerton, CA
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Lucy Gough, ,
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R. Dene Larson, San Francisco, CA
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Lisa Lynch, Elk Grove, CA
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Judy Shively, San Diego, CA
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Suzi McCandless, La Jolla, CA
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D. Rowe, Santa Monica, CA
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Laurie Carr, Jurupa Valley, CA
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Mark Gotvald, Pleasant Hill, CA
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Pia Loeper, Orinda, CA
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Ken Arconti, Santa Cruz, CA
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Edwin Aiken, Sunnyvale, CA
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June Cancell, Menlo Park, CA
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Bailey Scroggins, Los Angeles, CA
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Thomas Ray, Novato, CA
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Dena Guerry Henriquez, Glendale, CA
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Sharon Brown, Nevada City, CA
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Dorothy Saxe, Menlo Park, CA
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Barbara Mesney, Los Angeles, CA
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Margaret Lopez, Long Beach, CA
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Mel and Lisa Sibony, Berkeley, CA
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Kathy Bilicke, Los Angeles, CA
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Simone Fonseca, Victorville, CA
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Kay Sundstrom, Eureka, CA
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Russell Burke, Guerneville, CA
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Janice Cecil, Berkeley, CA
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Antoinette Marie Imus, Lake Forest, CA
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Ken Lamance, San Carlos, CA
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Sharon Handa, San Francisco, CA
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Simon Gunner, Emeryville, CA
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danielle charney, Santa Monica, CA
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Chris Loo, Morgan Hill, CA
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Bonnie Steele, Castro Valley, CA
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Charlie Tetoni, Camarillo, CA
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Kim Hansen, Studio City, CA
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Karen McCaw, View Park, CA
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James Kerr, Redwood Valley, CA
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deniz bolbol, San Mateo, CA
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Andrea Whitson, San Jose, CA
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Nadya Disend, Oakland, CA
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Lance Allard, San Diego, CA
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chuck churchill, Chico, CA
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Jeannette Gavin, Trinidad, CA
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ML Heller, Irvine, CA
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Richard Gallo, Santa Cruz, CA
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Ted Fishman, San Jose, CA
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Wayne Fellabaum, Palm Springs, CA
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Paul Marner, Richmond, CA
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Patricia Roca, El Sobrante, CA
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Brian Pope, Los Angeles, CA
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Miranda Helly, Oakland, CA
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lilith akasha, Los Angeles, CA
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Jack Rollens, Lahaina, HI
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Annamarta Dostourian, Berkeley, CA
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Suzanne Gamble, Alameda, CA
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Ana Herold, Pacifica, CA
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r taylor, Los Angeles, CA
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James Haig, San Rafael, CA
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Emily Wheeler, Concord, CA
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John Oda, San Francisco, CA
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Julie Brickell, Anaheim, CA
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Catherine Carr, Sonoma, CA
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David Warshauer, Los Angeles, CA
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Roberta Reed, Huntington Beach, CA
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Nora Jaffe, La Jolla, CA
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Christopher Hamilton, Albany, CA
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Steve Berman, Berkeley, CA
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SHARI BECKER, West Hills, CA
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Adolfo Bermeo, Topanga, CA
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Annette Benton, Pittsburg, CA
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Cheryl Mitouer, Gualala, CA
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Jim Carnal, Bakersfield, CA
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Charles Allen, Oakland, CA
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Katherine Warner, Ventura, CA
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M Freedman, Tarzana, CA
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Leanne Friedman, Davis, CA
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Gwen Weil, Oakland, CA
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Melissa Sunderland, Sherman Oaks, CA
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Marisa Leasure, Hayward, CA
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Judith Borcz, Redwood City, CA
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Carolyn Pettis, Santa Clarita, CA
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Trudy Bixby, Santa Barbara, CA
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Kerri Sevenbergen, Spring Valley, CA
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Karen Seeberg, Indio, CA
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Beverly Spector, San Francisco, CA
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Meghan Behm, Kings Beach, CA
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John Essman, Healdsburg, CA
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William Hale, San Leandro, CA
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Robin Weirich, Irvine, CA
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Paul Perez, Moraga, CA
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Marcie Mason, San Diego, CA
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Marcia Shakman, Canyon Country, CA
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Elena Tillman, South Hadley, MA
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Andrea Reynolds, Lincoln, CA
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Nancy Treffry, Aromas, CA
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Robert Davenport, Lakewood, CA
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Mike Briley, Ojai, CA
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zarah Patriana, San Francisco, CA
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Sylvia Vairo, Santa Cruz, CA
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El. Pe., Talmage, CA
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Bruce England, Mountain View, CA
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Frederick Hamilton, Rancho Cucamonga, CA
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Cynthia McCarthy, Rancho Mission Viejo, CA
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William Kwok, Sunnyvale, CA
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Bob Miller, Santa Rosa, CA
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Sam Butler, Los Angeles, CA
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Mark Hurst, Orinda, CA
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matheson kincaid, Beverly Hills, CA
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Sally Marone, Livermore, CA
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TIA TRIPLETT, Los Angeles, CA
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Candace Rocha, Los Angeles, CA
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Jude Lotz, Burbank, CA
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Chris Jones, Alameda, CA
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Donna Tate, Los Angeles, CA
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Ivy Ho, San Francisco, CA
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Robert Jardine, Cupertino, CA
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Ranel Porter, Atascadero, CA
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John Landmann, San Diego, CA
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Susan Cohen, Danville, CA
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Anthony Tupasi, San Francisco, CA
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Mark Alexander, Santa Cruz, CA
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Sandra Christopher, Burbank, CA
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Jennifer Herstein, Altadena, CA
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Vicki L Smith, Running Springs, CA
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Jennifer Allen, Oakland, CA
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Betty Morris, Bakersfield, CA
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Greg Ratkovsky, Oakland, CA
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Sharon Fleming, Ben Lomond, CA
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Melissa Hutchinson, Pacific Grove, CA
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Cendrine McNeil, Alameda, CA
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Kenneth Rosenblad, Berkeley, CA
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Gary Beckerman, Santa Ynez, CA
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Eric Anches, Santa Maria, CA
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Judith Ostapik, San Francisco, CA
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Nona Weiner, San Jose, CA
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Rachel Wolf, Santa Cruz, CA
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Adam Kaplan, Laguna Beach, CA
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Paula Willebrands, Newbury Park, CA
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Zaver Shroff, Sunnyvale, CA
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Linda Trevillian, Alhambra, CA
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Heather Schraeder, Aliso Viejo, CA
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Clara Bargellini, Oakland, CA
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Catrina Walker, Cotati, CA
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Karen Lull, Claremont, CA
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Charles Tribbey, Pismo Beach, CA
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Evelyn Trevethan, Napa, CA
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Jason Eric Perlman, Los Angeles, CA
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Gerrit Woudstra, Pasadena, CA
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Kyle Berquist, San Francisco, CA
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debbi huffey, Pomona, CA
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Susan Grant, Los Angeles, CA
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Lisa Henderson, Aliso Viejo, CA
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Marilyn McMullen, Vallejo, CA
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Steve Metzger, Huntington Beach, CA
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Jacqueline McVicar, San Diego, CA
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Karen Phillips, Granite Bay, CA
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Becca Schlichtig, Oakland, CA
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Dianne Morrison, San Rafael, CA
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Karen Emanuel, Tarzana, CA
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Lyda Eddington, Los Angeles, CA
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Charles B Hammerstad, San Jose, CA
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Mary Finch, Aromas, CA
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G. Diane Matthews-Marcelin, Carson, CA
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Kathleen Tashiro, Sacramento, CA
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Carol Bettencourt, San Francisco, CA
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S Melson, Los Angeles, CA
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Ashley Craig, Long Beach, CA
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Deborah Santone, Pleasant Hill, CA
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Virginia Watson, Los Angeles, CA
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Lydia Good, Rancho Cordova, CA
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Mary Hoffman, Santa Barbara, CA
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Judith D Radovsky, Pasadena, CA
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Abram Blackwood, Piedmont, CA
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Soraya Barabi, Los Angeles, CA
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Kalicia Pivirotto, Novato, CA
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joyce banzhaf, Santa Cruz, CA
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James Christian, Los Angeles, CA
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Joseph Yarosevich, Chico, CA
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kevin Eisenstaedt, San Francisco, CA
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Teri Richardson, Ventura, CA
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Sandra Gamble, Ridgecrest, CA
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Ken Rosen, Beverly Hills, CA
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Michelle Davis, Vacaville, CA
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Lexi Nutkiewicz, San Francisco, CA
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Susan Strickland, West Hills, CA
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Laura Nardozza, San Mateo, CA
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Marianna Mejia, Soquel, CA
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Valerie Baldwin, Portola Valley, CA
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Barbara Frances, Aromas, CA
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Olivia Asemota, Oakland, CA
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MAUREEN MCDONALD, Desert Hot Springs, CA
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Jamie Le, Alameda, CA
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Cody Dolnick, Joshua Tree, CA
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Mary Brooks, Frazier Park, CA
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Bonnie Arbuckle, Riverbank, CA
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Judy Madigan, Loyalton, CA
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Kent Iverson, Sonoma, CA
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Luis Fuentes, San Diego, CA
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Jo Mandrell, Upland, CA
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Christine Borje, Los Angeles, CA
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Jeffrey Hemenez, San Jose, CA
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Linda Bourg, Rancho Cucamonga, CA
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Sarah Townsend, Santa Clara, CA
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Brandon Lowentrout, Westminster, CA
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D.G. Sifuentes, Mammoth Lakes, CA
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Harry Drandell, Fresno, CA
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Susan Tatro, Eureka, CA
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Edward Sullivan, San Francisco, CA
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John Kay, Santa Barbara, CA
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Joshua Wines, Whittier, CA
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Kermit Carraway, Auburn, CA
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Stuart Strongin, Tarzana, CA
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Juliet Pearson, Grass Valley, CA
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Barbara Mintz, Encinitas, CA
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Thomas Filip, Moorpark, CA
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Alicia Hecht, Fullerton, CA
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Linda Garcia, Redlands, CA
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Stephen Stroud, Pasadena, CA
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George Munoz, Stockton, CA
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Mark Nagy, Encinitas, CA
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Linda Snow, Los Angeles, CA
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Helen Cooluris, Fairfax, CA
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Blaise Brockman, Arcadia, CA
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Kat Stephens, Santa Rosa, CA
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James R Monroe, Concord, CA
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Twyla Meyer, Pomona, CA
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Marjorie Xavier, Santa Rosa, CA
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Nina Berry, Van Nuys, CA
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Michael Russell, Santa Paula, CA
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Sharon Pollock, Santa Rosa, CA
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Patricia Rudner, Cypress, CA
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Meredith Larsen, Sacramento, CA
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Brian. Karl, Crockett, CA
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Doris Potter, ,
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Kristen Clausen, Sonoma, CA
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Amber Sumrall, Soquel, CA
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M Susan Ditzler, Carmel, CA
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Michelle Rojas, Riverside, CA
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Phallon Davis, Santa Rosa, CA
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Laura Lois, Santa Rosa, CA
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Gia Granucci, Healdsburg, CA
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Anna Connolly, Beverly Hills, CA
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A.L. steiner, Cornwallville, NY
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Sharon Fritsch, Chico, CA
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James Hilsinger, Paso Robles, CA
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B. E., Westlake Village, CA
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Renate Dolin, Malibu, CA
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Kevin McKay, Richmond, CA
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Michael Lee, San Jose, CA
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James Adams, Sacramento, CA
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Holly Dowling, Novato, CA
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Dennis Keith, Corona Del Mar, CA
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Evan Smith, Emerald Hills, CA
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Angela Price, Madera, CA
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Robert Reed, Laguna Beach, CA
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Gloria Grotjan, Aptos, CA
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Oscar Gutierrez, Chula Vista, CA
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Susan Green, San Francisco, CA
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Kaytie Osterloh, Orinda, CA
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Rosemary von den Driesch, ,
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Jeffrey Homan, Mountain View, CA
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Madison Mitchell, Simi Valley, CA
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Julie Du Bois, West Hills, CA
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Don Dudan, Walnut Creek, CA
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Cathy Asmus, San Francisco, CA
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Kevin L, Los Angeles, CA
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Paul Albert, Freedom, CA
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Madeline Wright, Los Angeles, CA
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Anne Higgins, Santa Barbara, CA
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Dan Gaudette, San Diego, CA
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PETER ring-revotskie, San Rafael, CA
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George Costa, Santa Barbara, CA
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Raven Deerwater, Mendocino, CA
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Marc Gordon, Sonora, CA
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Tony Anselmo, Burbank, CA
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Darrell Neft, Costa Mesa, CA
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Jeff Montejo, Menifee, CA
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Vic Bostock, Altadena, CA
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Thomas Burt, Santa Barbara, CA
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Alan Bosch, Rohnert Park, CA
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Barbara Mason, Campbell, CA
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Peter Schaffer, Menlo Park, CA
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efrossini koutsoukis, Richmond, CA
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Sandra Harris, La Puente, CA
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Vanessa Escamilla, West Hollywood, CA
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Gale Kirk, Newport Beach, CA
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Sabina Ubell, Emeryville, CA
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Natalie Beebe, Aptos, CA
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Laurel Cameron, Redondo Beach, CA
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E Hart, Paso Robles, CA
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Paul Cheney, Watsonville, CA
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Kathleen Schenk, Simi Valley, CA
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casee maxfield, Los Angeles, CA
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Charlene Garcia, San Jose, CA
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Linda Kade, Vallejo, CA
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Drew Irby, Lincoln, CA
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Rebecca Eliscu, Menlo Park, CA
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Christen Schilling, Glendale, CA
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Robert Spotts, Oakley, CA
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cuitlahuac Arenaza, Los Angeles, CA
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Diana Kliche, Long Beach, CA
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Signe Wetteland, West Sacramento, CA
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JL Angell, Rescue, CA
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Linda Hewitt, Pasadena, CA
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Patricia Stevens, Oceanside, CA
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Paige Barada, Westminster, CA
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cheryl wolfe, Rio Linda, CA
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Jacoba Dolloff, La Mesa, CA
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Robert Sykes, Salinas, CA
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Amy Zink, Oakland, CA
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Joseph Dadgari, Los Angeles, CA
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LISA MINGEAR, Dana Point, CA
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Lisa Gherardi, Los Gatos, CA
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Douglas McCormick, Trabuco Canyon, CA
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Christopher Hall, Glendale, CA
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Jan Buckwald, Oakland, CA
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Stephanie Chen, Arcadia, CA
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Darius Fattahipour, Bonsall, CA
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Maria Teresa Ferrero, Long Beach, CA
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Scott Hester, Calistoga, CA
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Jack Dodson, Carlsbad, CA
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Natalie Cohen, Pasadena, CA
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Lorilie Morey, Santa Rosa, CA
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Robert Konuch, Woodland Hills, CA
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Katie Brammer, Petaluma, CA
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Mark Golembiewski, Pacifica, CA
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samuel popailo, West Hollywood, CA
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Maria Molund, Los Angeles, CA
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Georgia Scott, Sunland, CA
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Annie Woodward, San Diego, CA
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Elsa Knutson, Manhattan Beach, CA
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Carolyn Marley, Berkeley, CA
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pat padilla, Porterville, CA
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Kathy Weed, Richmond, CA
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Laurie Rittenberg, Studio City, CA
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Dennis Love, Pinon Hills, CA
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Mark Gallegos, Los Angeles, CA
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James Carpenter, Oakland, CA
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Koll Ellis, Kensington, CA
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Sandy Williams, Covina, CA
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Dorothy Pasquinelli, El Granada, CA
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Margaret Schink, Portola Valley, CA
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Ann Kowaleski, Los Angeles, CA
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Heidi Jo Bean, Corona, CA
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Sandy Songy, Palo Alto, CA
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James Yarbrough, Newbury Park, CA
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Gloria DeSalvo, Santa Rosa, CA
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John Feissel, Sonoma, CA
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Margaret Tollner, Lakewood, CA
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JAMES REAMY, San Diego, CA
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Sandy Zwick, Yorba Linda, CA
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Julie Greenfield, Santa Monica, CA
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Judith Looby, North Fork, CA
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Jim and Tammy Patton, Los Altos, CA
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Ian Dogole, Novato, CA
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Joan Raphael, San Diego, CA
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Brent A. Schoenfeld, Tarzana, CA
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Robert Cherwink, Sonoma, CA
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Stephanie Larro, Woodland Hills, CA
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Debra Reuter, Vacaville, CA
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peter scheirer, Lafayette, CA
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Gail Weiner, Santa Rosa, CA
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Gregory Coyle, San Francisco, CA
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Diane Serafini, San Francisco, CA
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glen deardorff, Castro Valley, CA
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Artineh Havan, Burbank, CA
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Brian Lilla, Napa, CA
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Michelle Grimes, San Diego, CA
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Kay Weber, San Francisco, CA
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Lynn Ryan, Torrance, CA
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Kristina Lim, Berkeley, CA
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David Gassman, Oakland, CA
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AmirAli Siassi, Beverly Hills, CA
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John Schelling, Orinda, CA
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Joseph Rinaldo, Los Angeles, CA
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Sherry Butler, Chico, CA
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Rachael Rospond, San Luis Obispo, CA
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James Symington, Downey, CA
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Jennifer Lynn Jankesh, New York, NY
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Clinton burdette, Los Angeles, CA
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Julie Lam, Costa Mesa, CA
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Michael Bertrams, Oroville, CA
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Cliff Caplinger, Culver City, CA
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Joanne Barnes, Palo Alto, CA
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susan fisher, Burlingame, CA
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Carol Robertson, Santa Cruz, CA
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Shannon Scott, Los Olivos, CA
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Elena Knox, Volcano, CA
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Charles Ray, San Francisco, CA
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Penny Redman, Sacramento, CA
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Cynthia Villegas, Dublin, CA
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Theresa Gonzalez, Los Gatos, CA
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Gary Trott, San Mateo, CA
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Jo Quinlivan, San Leandro, CA
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Aixa Fielder, Los Angeles, CA
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Garrett Alden, Chico, CA
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Teri Sigler, Santa Cruz, CA
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Craig And Nancy Phillips, Ben Lomond, CA
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Jere Wilkerson, Avila Beach, CA
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Claudine Thomas, Martinez, CA
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Frances Larson, Pacifica, CA
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David Zebker, San Francisco, CA
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Nathan Miller, La Mesa, CA
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Phillip Cripps, Cathedral City, CA
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Ruben Tamamian, Morro Bay, CA
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Matt Wait, Los Angeles, CA
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Waltraud Buckland, Berkeley, CA
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Dawna Dorcas-Werner, Yucaipa, CA
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Brian Still, San Diego, CA
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Carol Chapman, Emeryville, CA
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Mark Stannard, Los Angeles, CA
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Nicholas Ratto, Alameda, CA
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Aurora Varnell, Newbury Park, CA
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L Gourley, San Francisco, CA
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Stephanie Shlasky, Pasadena, CA
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Julie Arntz, Sonoma, CA
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Ewa Pietraszak, Los Angeles, CA
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Delia McGrath, Pacifica, CA
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Kathrine Fegette, Newcastle, CA
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Priyanka Bhakta, Fountain Valley, CA
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Suzanne Carder, San Mateo, CA
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Krister Olsson, Los Angeles, CA
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Mike Acosta, Riverside, CA
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Lee Wasserwald, Santa Monica, CA
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Ann Allen, San Rafael, CA
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Lena Fine, Campbell, CA
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Debra Hill, Eureka, CA
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J B, Oakland, CA
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Dennis Ruby, Redwood City, CA
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Valerie Fannin, Chico, CA
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Ramona Draeger, San Francisco, CA
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VALERIE NORDEMAN, Laytonville, CA
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Zach Rhoads, Chula Vista, CA
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Alan Gonzalez, Long Beach, CA
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Peggy cabrera, San Jose, CA
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Bob Cunningham, Santa Barbara, CA
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Madelaine Georgette, Walnut Creek, CA
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Jane Seleznow, Walnut Creek, CA
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Victoria Silver, Irvine, CA
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Adriana Nunez, Van Nuys, CA
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Patricia Blackwell-Marchant, Castro Valley, CA
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Susan Ryan, Los Angeles, CA
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Jennifer york, Encinitas, CA
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Leslie Joyce, Santee, CA
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Wayne Steffes, Redding, CA
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Vincent Wong, San Francisco, CA
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Alejandro Artigas, Glendale, CA
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Terrence Butler, Van Nuys, CA
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Keith Campbell, Spring Valley, CA
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Elaine Yeh, Berkeley, CA
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Mark Betti, Sherman Oaks, CA
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Karen Hellwig, Los Angeles, CA
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Branstetter Kevin, Lotus, CA
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Katie Spahn, Lakewood, CA
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Cyril Bouteille, Mountain View, CA
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Jan Leath, Glendale, CA
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Kelsey McCann, Wilton, CA
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John Robey, Berkeley, CA
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Kyle Calcagno, Encinitas, CA
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Paige Ziehlermartin, Monrovia, CA
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Kelly Henkler, Los Angeles, CA
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Colleen Cabot, San Jose, CA
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Teresa Mynko, Lake Elsinore, CA
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A.L. steiner, Cornwallville, NY
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Norman Gross, Aptos, CA
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Jim Lieberman, Annapolis, CA
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Pamela Stewart, Clearlake Oaks, CA
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Michelle Ghafar, San Francisco, CA
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Blaze Bhence, Cypress, CA
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Reanna Flores, Los Angeles, CA
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Mari Huff, San Diego, CA
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Noel Park, Rancho Palos Verdes, CA
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Melissa Villarreal, Dinuba, CA
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deniz bolbol, San Mateo, CA
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Ken De La Rosa, Anaheim, CA
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Barb Benedict, Martinez, CA
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Robyn Schlitt Thompson, Ontario, CA
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David Prina, Salinas, CA
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mitchel flynn, Beverly Hills, CA
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Mary Romanek, Santa Monica, CA
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Judith Anshin, Sacramento, CA
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Florence Litton, Valley Center, CA
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Vickie Behar, Thousand Oaks, CA
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Alena Jorgensen, Temple City, CA
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Ann Wasgatt, Roseville, CA
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Jessica Krakow, San Francisco, CA
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Jeffrey Hemenez, San Ramon, CA
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Elizabeth Watts, Richmond, CA
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Richard Devletian, Los Angeles, CA
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Janet Odell, San Jose, CA
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Dan Gonzalez, San Diego, CA
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Michael Tabib, Sebastopol, CA
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Laurie Kossoff, El Cerrito, CA
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Jessica Sorrels, Alameda, CA
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Olivia Reid, Roseville, CA
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Petr Krysl, San Diego, CA
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Jane Gates, Hayward, CA
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jeanne gordon, Piedmont, CA
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Rita Thio, Walnut, CA
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Andie Rice, San Francisco, CA
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Kathryn St John, Boulder Creek, CA
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Gail Farina, Los Angeles, CA
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Janicedotherighthing Greenberg, Walnut Creek, CA
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Rebecca Thompson, San Rafael, CA
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Anne Streeter, ,
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Lauren Bouyea, Muir Beach, CA
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Janet King, Berkeley, CA
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Peter Scott Duyan, San Francisco, CA
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Joan Griffin, Nevada City, CA
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Thomas Kendrick, El Sobrante, CA
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Kristina Fukuda, Los Angeles, CA
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Bruno Carnovale, San Jose, CA
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Jackie Bear, Los Angeles, CA
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Elaine Barrett, San Diego, CA
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Mary Ellen Sperling, Berkeley, CA
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Laura Fong Cohen, Oakland, CA
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Elaine Mont-Eton, San Rafael, CA
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Aaron Suzar, Los Altos, CA
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Teresa Treiber, San Diego, CA
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Vince Lindain, Fremont, CA
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Demetrio Tafoya, Emeryville, CA
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Leonard Tremmel, San Francisco, CA
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Susan Berlin, San Rafael, CA
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Ellen Davis, Los Angeles, CA
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Susan Hampton, El Cerrito, CA
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Sarah Sismondo, Duarte, CA
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Fred Schloessinger, Huntington Beach, CA
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Rex Payne, Fresno, CA
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William Visevich, West Hollywood, CA
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Barbara Brunell, Martinez, CA
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Laurie Mitchell, Fresno, CA
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Geralyn Gulseth, Alameda, CA
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Claire Ryle Garrison, San Anselmo, CA
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Elizabeth Novak, Saint Helena, CA
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Jeff Levicke, Valley Village, CA
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Joyce Pietromonaco, Rancho Cucamonga, CA
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Victoria Warren, Clovis, CA
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George Postgate, Truckee, CA
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Susan Blomstad, Arroyo Grande, CA
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Kathleen Herring, La Quinta, CA
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Denise Marie Halbe, Sonoma, CA
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Liz Ibarra, South San Francisco, CA
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Patricia Goodson, Clearlake Oaks, CA
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Jami Tolpin, Sherman Oaks, CA
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Karen Kirschling, San Francisco, CA
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Daniel Tiarks, Los Angeles, CA
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Joan Andersson, Berkeley, CA
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Sam Waldman, Mendocino, CA
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Alan Schenck, Aptos, CA
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Claire Chambers, Oakdale, CA
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Nicholas Esser, Simi Valley, CA
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Doug Thompson, Morongo Valley, CA
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Sandra Thompson, Roseville, CA
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Shalomar Loving, Running Springs, CA
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Laura Saunders, San Francisco, CA
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Cecelia Conover, San Diego, CA
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Steven Standard, Bellflower, CA
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Vivienne Frost, Petaluma, CA
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Tara Gonzales, Atascadero, CA
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Annie Phillips, Hesperia, CA
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Mark Edgren, Fairfield, CA
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Pati Tomsits, Irvine, CA
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Jan Salas, Santa Cruz, CA
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Allison Rensch, Beverly Hills, CA
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Melvyn Nefsky, Los Angeles, CA
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Georgina Ried, Tustin, CA
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Jane Calame, San Francisco, CA
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Dan Esposito, Manhattan Beach, CA
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alison dice, Lakewood, CA
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Scott Barlow, Sunnyvale, CA
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Mary McGann, Berkeley, CA
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Mary Glazer, Los Angeles, CA
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Marc Silverman, Los Angeles, CA
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Edith Ogella, Santa Barbara, CA
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Mary Finch, Aromas, CA
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Richard G Scoby, San Leandro, CA
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Meike Blanc, Beverly Hills, CA
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Jennifer Houseal, Sherman Oaks, CA
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Kate Harper, Citrus Heights, CA
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Emmanuel Ross Hartway, Santa Cruz, CA
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Connie Stomper, Santa Barbara, CA
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Donna Davies, Mountain View, CA
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Probyn Gregory, Tujunga, CA
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Marie Mika, San Francisco, CA
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Melissa Brooks, Antelope, CA
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Marsha Jarvis, Pinole, CA
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Valerie Shideler, Olivehurst, CA
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Donald Archer, Cambria, CA
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james lennon, Arcata, CA
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José Luis Sánchez Gil, Hacienda Heights, CA
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Kathleen Messer, Alameda, CA
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Leo Buckley, San Francisco, CA
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Lynn Burgess, Carmel By The Sea, CA
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Debra Sheppard, Yuba City, CA
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JERRY SAMARELLI, Stevenson Ranch, CA
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Maria Nowicki, San Francisco, CA
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Diana Holbert, Los Angeles, CA
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Dawson Pan, Chino, CA
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Barry Lovinger, Yorba Linda, CA
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Britt Lind, Thousand Oaks, CA
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Ayana Crawford, Oakland, CA
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Beth Yvonne Rees, Carmichael, CA
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Trina Aurin, Foothill Ranch, CA
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Pamela Rudd, Berkeley, CA
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Jimmie Lunsford, San Diego, CA
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John Steponaitis, San Francisco, CA
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Betty Kowall, Penngrove, CA
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Deborah Fallender, Santa Monica, CA
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Patti Davis, Santa Monica, CA
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Armando MacMillan, Castroville, CA
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Asano Fertig, Berkeley, CA
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Jamie Green, Ventura, CA
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Terry Strauss, Mill Valley, CA
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brian steber, Grass Valley, CA
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Natacha Lascano, Rocklin, CA
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Patty Linder, San Jose, CA
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Judith Culp, Menifee, CA
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Teresa Simin, Fair Oaks, CA
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Caterina Janacua, Sherman Oaks, CA
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Ralph Valencia, Monterey Park, CA
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Sandra McPherson, Davis, CA
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Ruth Buxman, Dinuba, CA
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Don Fischer, Mission Viejo, CA
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Deralyn Boyd, Lancaster, CA
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Nicole Fountain, Lincoln, CA
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Richard Ramirez, Kings Beach, CA
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kim nero, Costa Mesa, CA
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Rosa Bravo, Murrieta, CA
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Frances Goff, Pasadena, CA
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S Praetorius, Moorpark, CA
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Darcy Skarada, Kelseyville, CA
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Alana-Patris Loyér, Chula Vista, CA
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Amy Liebman, Burlingame, CA
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Patricia Burgos, Santa Monica, CA
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Liliana Camacho, Elk Grove, CA
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Jennifer Cartwright, Bakersfield, CA
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Anne-Catherine Roch-Levecq, Oceanside, CA
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Angela La Porta, Pleasant Hill, CA
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Jean Woodrow, San Pedro, CA
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Kerri McGoldrick, Castro Valley, CA
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Deborah Cosentino, Sacramento, CA
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Richard Gutstadt, Oakland, CA
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Melissa Samet, San Anselmo, CA
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Daniel Podell, Santa Rosa, CA
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Robyn Class, Orange, CA
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Lucymarie Ruth, Oakland, CA
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James Anonymous, San Francisco, CA
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mary Sanders, Petaluma, CA
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Anita M Endeman, Sacramento, CA
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Phil and Marilyn Rockey, Aptos, CA
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Candice Barnett, Lancaster, CA
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Mary Jo Rousseau, Novato, CA
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Mark Wentley, San Mateo, CA
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Sharon Hagen, Pacifica, CA
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Rob Roberto, Santee, CA
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Dyan Osborne, Brentwood, CA
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Glenn Mullins, Buena Park, CA
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Nelou Nazifi, Fair Oaks, CA
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Phyllis Chavez, Santa Monica, CA
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Giovannina Fazio, Belmont, CA
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Angela Barbee, Chula Vista, CA
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Cordi Koga, Rancho Palos Verdes, CA
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Richard Harden, El Cajon, CA
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Sean San José, San Francisco, CA
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Renée Levine-Blonder, Woodland Hills, CA
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R Daghighian, Foster City, CA
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James Mundy III, Inglewood, CA
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Nareg Keshishian, Woodland Hills, CA
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Anjanette Caron, Alhambra, CA
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R. Leslie Choi, Glendale, CA
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Susan Brisby, Lancaster, CA
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Kim Fitzgerald, San Diego, CA
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Michelle Fox, Downey, CA
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Sarah Mayhew, Davis, CA
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Steve Woodward, Fairfax, CA
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David Field, Santa Cruz, CA
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Ross Allen, Saint Helena, CA
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Rory Alden, Berkeley, CA
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Dana May, Garden Grove, CA
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Vanessa Quintero, Rodeo, CA
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Elissa Wagner, Aptos, CA
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Trudy Jacobs, Sacramento, CA
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Yolanda Berumen, Baldwin Park, CA
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Jeff McKay, Corte Madera, CA
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bernard hochendoner, Patterson, CA
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Gina Garcia, Santa Monica, CA
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patricia bednash, Palmdale, CA
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Peter Hunt, Beverly Hills, CA
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Lola Leeman, Berkeley, CA
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Amanda King, Fresno, CA
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Daniel Frelke, San Diego, CA
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karen steele, Eureka, CA
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Steven Stansbery, Tehachapi, CA
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Craig Brown, Alturas, CA
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Gary Baxel, Cathedral City, CA
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Rebecca Robinson, San Pablo, CA
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Diane Pitzel, San Diego, CA
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Nancy Heck, Santa Maria, CA
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Pat Brooks, Berkeley, CA
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Laurel Harris, Rutherford, CA
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Ann Pinkerton, Oakland, CA
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Guss Galiano, Pasadena, CA
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Stephen Bogoff, Mill Valley, CA
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Jennifer Allen-Prather, Spring Valley, CA
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Debra Lichstein, Agoura Hills, CA
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Lynne Hetherington, Montague, CA
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Saran K., Los Angeles, CA
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Gregory Perkins, Long Beach, CA
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Brenda Bergstrom, Escondido, CA
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Judy Dunworth, San Francisco, CA
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Susan Lessin, Foster City, CA
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Rob Gallinger, Menifee, CA
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Cynthia Ferguson, Sacramento, CA
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Roger Overholt, Hemet, CA
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Thomas Zachary, La Crescenta, CA
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Melony Paulson, Diamond Bar, CA
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Walter Wenzel, San Pedro, CA
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Elenita Duelo, Penn Valley, CA
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Jan Gardner, Rolling Hills Estates, CA
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Margrit Spear, Jamul, CA
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Caitlin Cogdill, Bonita, CA
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Norm Stanley, Yucaipa, CA
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Paul Hildebrand, Long Beach, CA
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Vanessa Aguiar, Kelseyville, CA
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Julie Smith, Los Osos, CA
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Michael Biers, Palm Springs, CA
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Kathy Steinbrecher, Lafayette, CA
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Tad Sullivan, Corona Del Mar, CA
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Gabriel Graubner, Yountville, CA
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Dr. Kathryn Marocchino, Vallejo, CA
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Shari Wildschutte, Concord, CA
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Faina Frenkel, San Jose, CA
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Lynne Hargett, Lompoc, CA
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Darren Kloomok, Topanga, CA
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Vince Nicastro, Lone Pine, CA
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Dennis Alger, Oceanside, CA
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Regina Lee, Los Angeles, CA
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Dawnell Blaylock, Auburn, CA
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Nisreen Zeidan, Santa Clara, CA
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Priscilla Klemic, Sherman Oaks, CA
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Renee Klein, Marina Del Rey, CA
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Pilar Zorrilla, West Hills, CA
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Phoenix Giffen, Petaluma, CA
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Grace Gallardo Oliver, San Jose, CA
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victoria rubin, Walnut Creek, CA
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WILLIAM CASTLE, Loomis, CA
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Ayesha Vavrek, Oakland, CA
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Samuel Rosado, Long Beach, CA
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judy alexandre, Santa Barbara, CA
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Marilyn Shepherd, Trinidad, CA
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Jennifer Lawson, Corte Madera, CA
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Miriam Perez, Salinas, CA
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Gary Dobson, Nipomo, CA
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Jason Nolasco, Bellflower, CA
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Kevin slauson, Alameda, CA
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Faye Gregory, Colton, CA
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Donald Taylor, Fair Oaks, CA
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Mark Lolli, El Cajon, CA
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Robin Clark, Mission Viejo, CA
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Judith Marlin, Los Gatos, CA
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Maureen Wallner, Santa Cruz, CA
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R Wells, Los Angeles, CA
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CINDIE WOODS, Dana Point, CA
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Gerardo Fuentes, Salinas, CA
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Frank Muzzy, Murrieta, CA
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Gina Pearlin, Santa Cruz, CA
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Cindi Darling, Fairfax, CA
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Therese DeBing, Pacific Grove, CA
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Anne Tuddenham, El Cerrito, CA
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Inger Acking, Berkeley, CA
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Jim P, San Jose, CA
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Diane Krell-Bates, San Diego, CA
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Pat Cuviello, San Mateo, CA
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Kenneth Althiser, Cherry Valley, CA
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Ruth Darlington, Sausalito, CA
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Jonathan Eden, Berkeley, CA
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Sherrie Howell, Pleasanton, CA
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Joan Peter, Newhall, CA
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Deetya Thogarucheeti, Modesto, CA
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Harry Brass, Albany, CA
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Bill Woodbridge, Santa Barbara, CA
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Janette Shablow, Sebastopol, CA
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Ann Thryft, Boulder Creek, CA
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Laurel Cline, Whittier, CA
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Mabel Gulovsen, Ventura, CA
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Pamela Moore, Santa Rosa, CA
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Alison Blume, Novato, CA
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Elaine Genasci, San Luis Obispo, CA
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Claire Broome, Berkeley, CA
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Linda Frankel, Kensington, CA
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Shirley Tofte, Monterey, CA
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Caitlin Moore, Santa Monica, CA
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Alan P Socol, Los Angeles, CA
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Fjaere Nilssen Mooney, North Hollywood, CA
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Bryan Ryman, West Hollywood, CA
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Andrew Kort, Long Beach, CA
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Claudia Kingston Cataldo, Los Angeles, CA
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Jennifer Abernathy, Ventura, CA
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Deborah Konar, Oakland, CA
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Jo Milligan, Riverside, CA
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Skot McDaniel, Novato, CA
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Victoria Brandon, Northridge, CA
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JANINE COMRACK, Ojai, CA
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Rachel Cole, ,
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Sheila Dixon, Concord, CA
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Jessica Johnston, Los Angeles, CA
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James Noordyk, San Diego, CA
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Mary Ewing, Cotati, CA
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Jo Baxter, Laguna Beach, CA
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Georgia Carver, Rancho Cordova, CA
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Ernesto Marquez, Perris, CA
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Tim Morra, Laguna Beach, CA
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Ray Staar, San Francisco, CA
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Edward Macan, Eureka, CA
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Jyh Lay, Newport Beach, CA
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Sharon Nicodemus, Sacramento, CA
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Margaret Phelps, Los Angeles, CA
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Karen Socher, Ventura, CA
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Marilyn Fuller, Los Gatos, CA
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Ben Keller, Emeryville, CA
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Maria Basaldu, Los Angeles, CA
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Paul Greenfield, Oakland, CA
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Michelle Sparks-Gillis, Solvang, CA
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Tina Ann, Bolinas, CA
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Iris Vaughan, San Francisco, CA
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Paulette Doulatshahi, Playa Del Rey, CA
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Susan Ray, West Hollywood, CA
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robert rosenblum, San Diego, CA
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CHRIS OMALLEY, San Diego, CA
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Marjory Keenan, Berkeley, CA
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jesse croxton, Venice, CA
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Patty McCollim, Downey, CA
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Christine Anderson, Fresno, CA
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charlie faye duggan, San Diego, CA
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Michael Kenney, El Cerrito, CA
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Alexander Dunaev, Marina Del Rey, CA
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Em Holmes, Berkeley, CA
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Michelle Sharpe, Los Angeles, CA
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barbara poland, La Crescenta, CA
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Cindy Meyers, Watsonville, CA
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WENDY Caesar, Berkeley, CA
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Joseph Rys, San Leandro, CA
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Holly Perez, Chula Vista, CA
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Mary Franz, Laguna Beach, CA
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Matthew Palmer, Long Beach, CA
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Sheree Courtney-Noeth, Casselberry, FL
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Karie HIllery, Boulder Creek, CA
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George Ruiz, San Carlos, CA
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Sharon Webster, Huntington Beach, CA
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C G, San Diego, CA
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Elizabeth Edwards, Newport Beach, CA
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Catherine Harrington, Boulder Creek, CA
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Russell Weisz, Santa Cruz, CA
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Neal Feuerman, Hydesville, CA
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Valerie York, San Francisco, CA
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Kelle Erwin, Thousand Oaks, CA
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Madhur Kohli, Santa Cruz, CA
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Michael Deck, Rohnert Park, CA
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Josie Gallup PsyD LMFT, Berkeley, CA
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Jed Fuhrman, Topanga, CA
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Michelle Beardmore, Danville, CA
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Cheryl Davis, Rio Linda, CA
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Helen Hays, Walnut Creek, CA
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Robert Stine, San Francisco, CA
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Joan Kaplan, Altadena, CA
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Gene Kostruba, Mountain View, CA
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Lauren Linda, Laguna Woods, CA
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Florence Assalit, Monterey, CA
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Jan Friel, Fullerton, CA
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Andrea Ferrari, Oceanside, CA
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greg Winton, Moreno Valley, CA
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Ah Ho, Foster City, CA
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Stan Fitzgerald, Oakland, CA
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Andy Philpot, Solvang, CA
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Jamila Garrecht, Petaluma, CA
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Elizabeth Shafer, Huntington Beach, CA
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Louise Chegwidden, Oakland, CA
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Sheryl Marsh, Oceanside, CA
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Ellen Phillips, Berkeley, CA
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Aaron Stroh, Sacramento, CA
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Maureen Gonzalez, San Francisco, CA
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Barbara Greenwood, Walnut Creek, CA
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Dalia Salgado, Los Angeles, CA
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Linda Wise, San Pablo, CA
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Shannon Hunter, Anderson, CA
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Robin Jensen, Seaside, CA
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Wendy Leung, San Francisco, CA
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Robert Taft, Salinas, CA
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April Hejka Ekins, Turlock, CA
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Wendy Koran, Berkeley, CA
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Sally Mullen, Santa Rosa, CA
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Roberta Schear, Oakland, CA
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Bruce Burns, Santa Cruz, CA
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Ronald Cheng, West Hollywood, CA
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Michael Dielman, North Hollywood, CA
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Peter Carpentieri, Oakland, CA
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Victor L Lawrence, Thousand Oaks, CA
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Benjamin Park, West Hollywood, CA
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Álvaro de Regil, Moorpark, CA
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Lisa Salazar, ,
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Toni ehrlich, El Cerrito, CA
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Nancy Hartman, Lafayette, CA
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Esther Roberts, Hayward, CA
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Srihari Yamanoor, Vallejo, CA
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Donna Shimpfky, Citrus Heights, CA
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Lee Miller, Stockton, CA
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Jessica Dardarian, Folsom, CA
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Tami PHELPS, Redding, CA
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Friend Friend, Santa Clara, CA
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Nancy Oliver, Salinas, CA
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Marshal McKitrick, Sacramento, CA
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Attilio Pandolfo, Los Angeles, CA
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Kelly Ayers, Ontario, CA
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Shari Petrie, Foresthill, CA
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Nancy Parsons, Pacific Grove, CA
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Shawn Johnson, Encinitas, CA
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Ann Dorsey, Northridge, CA
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Alison Buist, San Anselmo, CA
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Dennis Allen, Santa Barbara, CA
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Anne Kangas, San Jose, CA
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Stephanie Tran, Bonsall, CA
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Rosiris Paniagua, Altadena, CA
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Marjolein Bruinen, Berkeley, CA
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Annette Pirrone, San Anselmo, CA
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F. Carlene Reuscher, Costa Mesa, CA
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Maggie Harding, San Francisco, CA
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David Haskins, San Diego, CA
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David Gallardo, Alhambra, CA
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Ellen Greenwood, Rohnert Park, CA
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David Gallardo, Alhambra, CA
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Taylor Bright, Sebastopol, CA
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Molly Huddleston, Santa Rosa, CA
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Pascale Macleod, San Francisco, CA
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kimberly stanick, Dana Point, CA
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Efrat Libkind, San Francisco, CA
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Luca Manetta, San Jose, CA
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Kevin McKelvie, Palm Springs, CA
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Mark Glasser, Los Angeles, CA
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Joanne Yue, Santa Monica, CA
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Ellen Caprio, San Diego, CA
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Carol Brady, Citrus Heights, CA
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Cheri Keisner, Piercy, CA
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Leonie Terfort, Mill Valley, CA
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Denise Dardarian, Los Angeles, CA
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Sean Hall, Fellows, CA
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James Clement, Covina, CA
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Carolyn Vaughan, Glendale, CA
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Kevin Hearle Ph.D., San Mateo, CA
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Venetia Large, Altadena, CA
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Cassaundra Ellena, Plumas Lake, CA
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Melissa Vasconcellos, Ventura, CA
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Harker Brautighan, Windsor, CA
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Ivy Tran, Los Angeles, CA
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mary peteinaraki, ,
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John Poss, Fresno, CA
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Maria Peteinaraki, ,
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mark rush, Wildomar, CA
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Michael Staub, Walnut, CA
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Steven Aderhold, Fallbrook, CA
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Michael Curtis, San Diego, CA
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Gregory Perkins, Long Beach, CA
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Mary Anne Paul, Watsonville, CA
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Anne Hoff, Concord, CA
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Eric Nichandros, Castro Valley, CA
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T. Anne Richards, Berkeley, CA
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Alice Savage, San Diego, CA
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Urmila Padmanabhan, Fremont, CA
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Angela Martinez, Sunnyvale, CA
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Michael Price, San Francisco, CA
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Ben Brucker, Capistrano Beach, CA
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Robert Lord, San Jose, CA
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Carolyn Rhazi, Mission Viejo, CA
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Carolyn Garcia, Torrance, CA
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Ms Lilith, Ventura, CA
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Valerie Carrick, Ontario, CA
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Fateh Sidhu, Sanger, CA
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melanie ross, San Diego, CA
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Roberto Romo, San Francisco, CA
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Carol Tao, Salinas, CA
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Ronald Bogin, El Cerrito, CA
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Ron Parsons, South San Francisco, CA
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Adriana Zuniga, Anaheim, CA
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Susanne Herting, Oakland, CA
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Linda Wagner, West Hills, CA
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Leah Fagundes, San Pablo, CA
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Karen Berger, Montrose, CA
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Tom Atha, Alhambra, CA
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Marlon Perez, San Francisco, CA
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Raymond Plasse, West Hills, CA
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pete childs, Rancho Mirage, CA
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Diana Sutton, Daly City, CA
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Erika Shershun, San Francisco, CA
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Mark Luiso, San Jose, CA
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Pete Munoz-Cowan, Hollister, CA
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Colin Brown, Monterey, CA
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C. Martinez, San Diego, CA
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Patti Brown, Costa Mesa, CA
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Susan Nordine, La Verne, CA
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Kathy Brigger, Nuevo, CA
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Gayle Smith, Carmel, CA
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Sisse Jensen, Beverly Hills, CA
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Jessica Likens, Buena Park, CA
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christine Hoex, Santa Rosa, CA
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Kathleen Taylor, Ventura, CA
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Paul Medved, Alameda, CA
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Kristi Clark, Carmel Valley, CA
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Jason Witchel, San Rafael, CA
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vicki hughes, Huntington Beach, CA
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Emma Tremelo, Thousand Oaks, CA
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Kathleen Havilan, La Mesa, CA
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Claude Duss, Calabasas, CA
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Stephanie Marroquin, Laguna Hills, CA
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Barbara Marrs, Phelan, CA
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Llll D, Albany, CA
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Art Stclair, Moorpark, CA
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Thomas Fukuman, Torrance, CA
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Kathy Grissom, Anderson, CA
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Nancy Paskowitz, Oakland, CA
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Susan Warren, Concord, CA
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René Flores M., Bonita, CA
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Kasandra Hawk, Agua Dulce, CA
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sally breul, Lafayette, CA
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Kenneth Pennington, Ventura, CA
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Tim Callahan, Green Valley Lake, CA
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Danielle Miele, Citrus Heights, CA
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Nina Gallardo, Colton, CA
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Kellie Miller, Orange, CA
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Deborah Peri, Santa Cruz, CA
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Allison Moffett, Pasadena, CA
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Michael Waldman, Sebastopol, CA
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Charlene Hinckley, Fremont, CA
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Dawn Peterson, Santa Rosa, CA
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Jeff Ligouri, San Jose, CA
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Heidi Buech, Los Angeles, CA
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Diane hestich, Colton, CA
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Jonathan Gottlieb, Napa, CA
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Richard Kornfeld, Pasadena, CA
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Ken Sanford, Escondido, CA
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Jerry Horner, Concord, CA
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Laurel Brewer, West Hollywood, CA
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Cheryl Swanlund, Orange, CA
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Greta Yu, San Jose, CA
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Ronit Corry, Santa Barbara, CA
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Deborah Burckhardt, San Francisco, CA
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Ann Nore, San Francisco, CA
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Jackie Bear, Los Angeles, CA
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Robyn Sherrill, Penngrove, CA
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Katharine Flebotte, Fortuna, CA
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Dorothy Saxe, Menlo Park, CA
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Joseph Hardin, Santa Monica, CA
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Valerie Mih, El Cerrito, CA
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Alan Chen, Los Angeles, CA
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Gina Ness, Eureka, CA
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Rita Shamban, Los Angeles, CA
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Valeria Kobzak, Beverly Hills, CA
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Ashli Tingle, Castro Valley, CA
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Jessica Mitchell-Shihabi, Antelope, CA
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Heidi Plonski, Rancho Mirage, CA
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Caroline Bering, Mountain View, CA
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Marlene Testaguzza, Aromas, CA
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Erin Moilanen, Santa Rosa, CA
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c p, Tahoe Vista, CA
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Emil Gallardo, Los Angeles, CA
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Michael Ryan, Woodland Hills, CA
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Peter Menchini, San Francisco, CA
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Christa Neuber, West Hollywood, CA
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O Lewis, Los Angeles, CA
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June Yamada, Westminster, CA
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Terrie Smith, Spring Valley, CA
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Hannah McSwiggen, San Diego, CA
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Christie Decker, San Francisco, CA
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cathy crum, Agoura Hills, CA
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Julia Thollaug, Montara, CA
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Catherine Zakoren, Fort Jones, CA
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Geraldine Thompson, San Jose, CA
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Paul Waller, Woodland Hills, CA
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Ernest Boyd, Sunnyvale, CA
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Sarada Cleary, Oceanside, CA
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Christine Ziegler, Palm Desert, CA
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Nico Mcafee, Belvedere Tiburon, CA
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Julie B, Van Nuys, CA
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Pamela zimmerman, Santa Rosa, CA
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Charles SMITH, San Jose, CA
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Priscilla Rocco, Costa Mesa, CA
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Tony Lorito, West Hollywood, CA
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Alice Grutchfield, Oakland, CA
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Dominick Falzone, Los Angeles, CA
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Catherine Loudis, San Anselmo, CA
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Julia Berkowitz, Los Angeles, CA
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Laura Herndon, Burbank, CA
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Charles Heinrichs, Yreka, CA
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Raquel Narvios, San Francisco, CA
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Andrea Carcovich, Torrance, CA
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Annalee Cobbett, Oakland, CA
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Leonard Robel, Santa Rosa, CA
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Gabriel Sheets, Mariposa, CA
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Maureen Edgecomb, Diamond Springs, CA
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Nico Mcafee, Belvedere Tiburon, CA
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Robin Van Tassell, Summerland, CA
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Diane Lamont, Los Angeles, CA
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Glen Taysom, Roseville, CA
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Joseph Gualtieri, Marina Del Rey, CA
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Michael Henderson, Huntington Beach, CA
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Paulette Schindele, San Marcos, CA
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Gary Goetz, Pacific Grove, CA
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Kathy Yeomans, Ventura, CA
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Erin Suyehara, Torrance, CA
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Terri Gedo, Los Angeles, CA
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Barry Zakar, Vallejo, CA
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Joan Teitler, Felton, CA
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Noah Haydon, Daly City, CA
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Todd Musto, Fallbrook, CA
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Lorna Paisley, Van Nuys, CA
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Robert Frank, Citrus Heights, CA
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Marisa Landsberg, Manhattan Beach, CA
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Marcy Meadows, Graton, CA
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Suzanne Wood, Berkeley, CA
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Marilyn Price, Mill Valley, CA
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Thomas Cassidy, Clovis, CA
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Oshyan Greene, Albany, CA
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ELIZABETH ALLANCORTE, La Mesa, CA
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C G, San Diego, CA
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Sharon Farrell, San Rafael, CA
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Julie Higgins, Mendocino, CA
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Natasha Diamond, Oakland, CA
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Sharon Lieberman, Annapolis, CA
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Jon Benneian, Los Angeles, CA
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Melodi Gulsen, Fullerton, CA
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Billy Trice Jr., Oakland, CA
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Carlos Arnold, Santa Maria, CA
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Melody Warner, Ojai, CA
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Jyh Lay, Kearny, NJ
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Deepali Rajguru, Oakland, CA
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Gary Pischke, Santa Rosa, CA
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Pia Bjorstrand, ,
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Ilya Turov, Moreno Valley, CA
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Jym Dyer, San Francisco, CA
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Seth Laursen, Los Angeles, CA
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Janet Albaugh, Beverly Hills, CA
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Kerstin Hagstrom Bromander, Concord, CA
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Chelsey M, Santa Monica, CA
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Remi Tan, Pacifica, CA
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Malcolm Groome, Topanga, CA
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Nancy Luis, Ukiah, CA
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Will Noble Noble, San Rafael, CA
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Steve Schwartz, Lafayette, CA
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George Harding, Oakland, CA
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Karie HIllery, Boulder Creek, CA
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Ivan Light, Claremont, CA
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Alicia Salazar, Los Angeles, CA
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Calum MacKay, San Francisco, CA
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MOHAN Sakhrani, Dublin, CA
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Renee Reinero, Merced, CA
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Yvonne Fast, ,
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Matt Reola, San Clemente, CA
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Pamela Magers, San Francisco, CA
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Larry Gordon, Napa, CA
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Meera McAdam, Los Angeles, CA
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Susan Deschenes, Santa Rosa, CA
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Louise Rangel, Santa Paula, CA
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Diana Garmus, Sonoma, CA
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Lawrence Deng, San Jose, CA
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Lisa Segnitz, Santa Cruz, CA
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m gosline, Oakland, CA
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Gerald Moore, San Francisco, CA
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Vicki Tomola, Point Arena, CA
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Anna Narbutovskih, Guerneville, CA
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Frances Blythe, Dixon, CA
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Edward Cavasian, Palo Alto, CA
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allie palmer, San Clemente, CA
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Asher Perla, Oregon House, CA
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Barbara Shimon, Point Arena, CA
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Amanda Zangara, Sebastopol, CA
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David Hermanns, San Francisco, CA
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Andy Lupenko, Lemon Grove, CA
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Connelee Shaw, San Jose, CA
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Jane Spini, Arcata, CA
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M Seley, Saint Louis, MO
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Frank Selig, Hawthorne, CA
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Pamela Saulter, Perris, CA
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Dorri Raskin, Porter Ranch, CA
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Janice Harrell, Madera, CA
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Katherine Silvey, Martinez, CA
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Lori Kegler, San Pedro, CA
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Erlinda Pambid, San Jose, CA
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Ken Ballinger, Woodacre, CA
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Christine Ney, Anaheim, CA
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Katie Zukoski, Chico, CA
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Karynn Merkel, Eureka, CA
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Caitlin Duffy, Los Angeles, CA
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Timothy Goodman, Cerritos, CA
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Maryellen Redish, Palm Springs, CA
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Lindsay Knights, Santa Cruz, CA
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Russell Stone, San Jose, CA
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Susan Hood, Sacramento, CA
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Gerald Shaia, Sun Valley, CA
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Chelsea Reed, Santa Clarita, CA
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Greg D, Mount Shasta, CA
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Jet Brown, Costa Mesa, CA
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Julie Beer, Palo Alto, CA
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Kathleen Fernandez, Yorba Linda, CA
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Amelia Jones, Santa Monica, CA
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Alice Johnson, Sacramento, CA
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Jaleila King, Nevada City, CA
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Ruby Mitchell, Cupertino, CA
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Janeyce Ouellette, San Francisco, CA
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Kurt Cruger, Long Beach, CA
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Janice Nakamura, Antelope, CA
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Daren Black, Los Angeles, CA
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Mary Leveque, Santa Rosa, CA
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Suzanne Marcella Camarillo, Lancaster, CA
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Erfin Hartojo, Walnut, CA
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Joan Lewis, Pebble Beach, CA
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Jasmine A, Dublin, CA
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Judy Cribbins, Nevada City, CA
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Yori Hallock, Oakland, CA
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natasha kaluza, El Sobrante, CA
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Deborah DeBlas, Los Angeles, CA
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Simone Pugh, Palo Cedro, CA
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Tom Pitman, Burbank, CA
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Gavrilah Wells, San Francisco, CA
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Mary Zlotoff, San Jose, CA
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Christy Schauf, Vallejo, CA
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Alexis Georgiou, Santa Clara, CA
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Meera P, Fremont, CA
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Jane Bidinian, Cool, CA
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Lisa Ann Kelly and Family, Santa Barbara, CA
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Thomas Carlton, Culver City, CA
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Fred Granlund, North Hollywood, CA
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Tree Wright, Oak View, CA
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laura divenere, Los Angeles, CA
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Pam Montroy, San Diego, CA
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Victoria Shankling, Aliso Viejo, CA
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Ellen Segal, La Crescenta, CA
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Reuben Alvear II, San Francisco, CA
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Alec Taratula, Alhambra, CA
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Eric Thein, Escondido, CA
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Lynn Hansen, Moorpark, CA
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Lawrence Friedrich, Simi Valley, CA
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Tem Narvios, San Francisco, CA
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Donald Betts, Oceanside, CA
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Kimberly Morse, Poway, CA
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Tab Buckner, San Francisco, CA
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Sally Sparling, Napa, CA
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Laurie EISLER, Cotati, CA
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Kaylah Sterling, Emeryville, CA
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Bonnie Pannell, Crockett, CA
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Lindsay Mugglestone, Berkeley, CA
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Chris Swenning, Richmond, CA
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Dita Škalic, Palm Desert, CA
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Rebecca Wang, Alhambra, CA
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Gabrielle Harradine, Thousand Oaks, CA
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Jan Jones, El Cerrito, CA
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Kaylah Sterling, Emeryville, CA
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Julie Adelson, San Pedro, CA
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B. Lerner, San Jose, CA
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David Brooks, Folsom, CA
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Tiffany Naiman, Riverside, CA
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Michael Bordenave, Fresno, CA
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cherie Garrett, Camarillo, CA
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Karen McCaw, View Park, CA
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Wallace Rhine, Cazadero, CA
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John Costello, Bodega, CA
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Erik Kemper, Laguna Niguel, CA
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NANCY HIESTAND, Davis, CA
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Melissa Parham, Laguna Niguel, CA
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gina halferty, Castroville, CA
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Judy Trahan, Hayward, CA
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Katharine Warner, Sunland, CA
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christopher flynn, San Jose, CA
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Nathan Vogel, San Francisco, CA
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Patricia Roddy, Palm Desert, CA
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Nora Privitera, Oakland, CA
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Margaret Anthony, Sacramento, CA
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Julie Haney, Davis, CA
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Rosalie Prieto, Bakersfield, CA
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Samantha Smith, Napa, CA
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Nancy Hounshell, Turlock, CA
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Nicole F, Vineburg, CA
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Gary Freeberg, Newbury Park, CA
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Natalie Brasfield, Olivehurst, CA
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Barbara Rohrer, Roseville, CA
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Linda Arouh, Porter Ranch, CA
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Claire Dudan, Walnut Creek, CA
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Ellen Webster, Claremont, CA
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Deborah Lee Chill, Yucaipa, CA
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Theresa Corrigan, Sacramento, CA
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Claudia Smith, Roseville, CA
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Geraldine Card, Exeter, CA
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Suzanne Hodges, Rancho Cordova, CA
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Josh Carman, Forestville, CA
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STACIE CHARLEBOIS, Sebastopol, CA
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Tiana Lee, Banning, CA
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Carol Hickman, Carlsbad, CA
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Gregory Mull, Oak View, CA
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Lesle Helgason, Pebble Beach, CA
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Catherine Uchiyama, Salinas, CA
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Pamela Abbott, West Hills, CA
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Lorraine Lowry, Vacaville, CA
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Mary Selberg-Woodcock, Petaluma, CA
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Emily Jeffries, Oakland, CA
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Mary C Perry, Poway, CA
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Mel Willem, Pope Valley, CA
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Susan Mehrings, San Francisco, CA
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Denise Comiskey, Mckinleyville, CA
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Russell Erickson, Pleasant Hill, CA
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Lucy Hart, Encino, CA
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Lisa Lewis, Santa Cruz, CA
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Elizabeth Anne Doyle, Piedmont, CA
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Kyle Berquist, San Francisco, CA
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Ellen Koivisto, San Francisco, CA
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Kyle Berquist, San Francisco, CA
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Kyla Esqueda, Fresno, CA
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Eric Ericson, Beverly Hills, CA
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Jess Wells, San Francisco, CA
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Eric Nichandros, Castro Valley, CA
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Lisa Rosa, Imperial, CA
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Brian Still, San Diego, CA
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Ed Mechem, Oakland, CA
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Lawrence Horton, Murphys, CA
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Wm Briggs, Hermosa Beach, CA
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Sharon Caserma, San Pedro, CA
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Jenny Valenzuela, La Quinta, CA
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Lisa Lynch, Elk Grove, CA
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Judith Kramp, Redwood City, CA
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Nancy Nilssen, Dublin, CA
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Antonia Leonetti, Menifee, CA
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Joelle Porter, Reno, NV
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Joetta Vest, San Jose, CA
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Carol Milder, San Francisco, CA
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Anthony Carreon, Antioch, CA
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Michael Keene, Nevada City, CA
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Stephanie Clark, Concord, CA
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Judith Collins, Half Moon Bay, CA
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Suzi McCandless, La Jolla, CA
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Tobias Fairman, Glendora, CA
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Elena Ennouri, San Rafael, CA
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Roger Batchelder, San Diego, CA
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Shayna Bailey, Atascadero, CA
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Kerry O'Flynn, Paramount, CA
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Modell McEntire, San Bernardino, CA
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Erin Kelnhofer, Bend, OR
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Anne Mayoral, Berkeley, CA
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Helen Kate Mcallister, Hidden Valley Lake, CA
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Gary Mononi, Fairfax, CA
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Erica Bennett, Anthem, AZ
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Laura Newton, Cathedral City, CA
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Sara Haugen, San Francisco, CA
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Frank Wheeler, Travis Afb, CA
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Deanna Craine, Oakley, CA
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A. Solomon, Palm Desert, CA
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Pamela Orgill, San Francisco, CA
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Audrey Hann, Lakewood, CA
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Nahid Varjavand, San Carlos, CA
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Ayanna Davis, Berkeley, CA
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Alma Castro, La Verne, CA
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Francisca Rogers, Coronado, CA
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Regina Flores, Lake Elsinore, CA
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Cara Caindec, San Rafael, CA
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Lisa Canning, San Diego, CA
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Helen Cooluris, Fairfax, CA
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Guy Johnson, Oakland, CA
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paula thompson, Oceanside, CA
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Roger Ewing, Agoura Hills, CA
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Jennifer Selby, San Bruno, CA
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Rhonda Norton, Richmond, CA
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Stu Sherman, Santa Barbara, CA
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Ronald Quinn, Murrieta, CA
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Tyson Martin, Burbank, CA
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Natalie Blasco, Anderson, CA
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Rocco Passafaro, Cathedral City, CA
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Ivan Rhudick, San Francisco, CA
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Jessica Lam, Los Angeles, CA
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Dency Nelson, Hermosa Beach, CA
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Judith Poxon, Sacramento, CA
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DAVID LLOYD HUGHES, Altadena, CA
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Virginie Bonett Boisseranc, San Diego, CA
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Fred Licht, La Crescenta, CA
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Jane Engelman, San Diego, CA
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Dawna Knapp, Citrus Heights, CA
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Rebecca Shirley, Santa Rosa, CA
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Donna Shaw, Simi Valley, CA
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Debbie Tenenbaum, Berkeley, CA
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Tracy Gilbert, Rialto, CA
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Judith Butts, Mountain View, CA
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erich rex, San Bruno, CA
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Elizabeth Levy, Richmond, CA
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Jennifer Draper, Santa Clara, CA
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Teresa Zollars, Fresno, CA
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Maura FitzGerald, Oakland, CA
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Susan Hathaway, Pico Rivera, CA
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Jeffrey Hurwitz, San Francisco, CA
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Bob Wellsted, Concord, CA
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Dennis Rickard, Coarsegold, CA
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Michael Tomczyszyn, San Francisco, CA
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Katherine Calvert, Albany, CA
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Jean Crossley, Santa Cruz, CA
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Jayne Cerny, Inverness, CA
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Michael Grant White, Alameda, CA
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Mary Simmons, Arroyo Grande, CA
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Gianna Abondolo, Richmond, CA
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Brooke Bryant, Culver City, CA
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Tina Colafranceschi, Whitethorn, CA
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Alexandria Luostari, Los Angeles, CA
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George Lewis, Los Osos, CA
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Luci Evanston, San Bruno, CA
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Lenore Olmstead, Oakland, CA
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Jenny Wyant, Oakland, CA
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Cynthia McHugh, La Mesa, CA
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Kelalani Luong-Kha, Garden Grove, CA
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Edward Costello, Santa Monica, CA
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kathryn Reichard, Santee, CA
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Ramona Williams, Danville, CA
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Claudia Wornum, Oakland, CA
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NANCY BOYD, Woodland, CA
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Scott Pham, San Diego, CA
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Matt Bender, Cardiff By The Sea, CA
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Elizabeth Atcitty, Monterey, CA
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Dan Brook, San Jose, CA
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Mari Rose Taruc, Oakland, CA
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charles myers, Santa Rosa, CA
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John Wozniak, Mendocino, CA
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Theo Rosenstein, Santa Monica, CA
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Jacqueline Broulard, Calabasas, CA
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Charlene Ashley, Elk Grove, CA
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Justin Chernow, Paso Robles, CA
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Gila Wdowinski, Laguna Beach, CA
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Mari Matsumoto, Alameda, CA
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Rosandrea Garcia, Richmond, CA
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Michael Harrop, Riverside, CA
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Yael Shimshon, Fresno, CA
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Sylvia Marie, Sebastopol, CA
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Evan Jane Kriss, Sausalito, CA
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Carol Bostick, Novato, CA
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Matthew Owen, Pasadena, CA
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Barbara Beck, Fairfax, CA
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Jane Moad, Santa Rosa, CA
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Shawn Burn, San Luis Obispo, CA
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Steven Velasco, Costa Mesa, CA
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Wendy Stock, Berkeley, CA
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John Crahan, Los Angeles, CA
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JOHN Lamb, Sierra Madre, CA
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Sandra Hendricks, Sutter Creek, CA
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Natalie Aharonian, North Hollywood, CA
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Pati Jio, Castro Valley, CA
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Darica Roberts, Upper Lake, CA
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JAMES KALLETT, San Diego, CA
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Lacey Hicks, Fremont, CA
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Sharon F Piansay, San Francisco, CA
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Laura Condominas, Oakland, CA
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Percy Hicks-Severn, Newbury Park, CA
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Philip Johnston, Scotts Valley, CA
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Alyshia Perri, Auburn, CA
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Ray Grimsinger, Oakland, CA
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John Paladin, Valencia, CA
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Jinx Hydeman, Trabuco Canyon, CA
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Larry Essman, Yucaipa, CA
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Barbara Speidel, La Mesa, CA
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Veronica Michael, Fairfield, CA
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Lynne F. Nii, Huntington Beach, CA
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Arthur Fink, La Mesa, CA
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Barbara Wasserman, Chatsworth, CA
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Biggi Vinkeloe, Oakland, CA
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Mark Gallegos, Los Angeles, CA
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Stephane Ernoux, Redondo Beach, CA
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Louis Priven, Los Angeles, CA
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douglas gunderson, San Diego, CA
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NATASHA ZELIGS, Carmel By The Sea, CA
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Debbie Atlas, Newbury Park, CA
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Pamela Wellner, San Francisco, CA
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Janis Andersen, San Diego, CA
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joe smith, El Cajon, CA
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Andrew Jones, Fresno, CA
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Marc Gregory, Beverly Hills, CA
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Timothy Davis, Garden Grove, CA
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Cindy Stein, Newbury Park, CA
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sharon byers, Downey, CA
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Susan Beil, Camarillo, CA
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Maggie Hughes, Berkeley, CA
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Mark Giordani, Woodland Hills, CA
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Christina Roe, Fresno, CA
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Irene Dobrzanski, Arcadia, CA
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Edie Bruce, El Cerrito, CA
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Roberta Schear, Oakland, CA
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Krista Dana, Sunnyvale, CA
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Carol Mone, Woodside, CA
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Stacey Jones, Stockton, CA
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Michelle Kemp, Novato, CA
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Angie Williams, Wishon, CA
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Lauryn Chew, Irvine, CA
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Ian Umeda, Berkeley, CA
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Giovanna Sensi-Isolani, Benicia, CA
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Candy Bowman, Placerville, CA
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Lynda Marin, Santa Cruz, CA
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Steve Sketo, Bakersfield, CA
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Margie Halladin, San Rafael, CA
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Pattie Meade, San Clemente, CA
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Barbara Meislin, Belvedere Tiburon, CA
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John Pasqua, Escondido, CA
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Dave Shukla, Long Beach, CA
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Jessie Hagler, Lafayette, CA
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Peter Lee, San Francisco, CA
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Sharon Laurenza, Greenbrae, CA
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Mary Sullivan, Huntington Beach, CA
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Kevin Goodwin, Eureka, CA
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Richard Ten Eyck, San Diego, CA
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Nelson Molina, Buena Park, CA
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Barbara Blau, Santa Cruz, CA
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Holly Ebel, San Francisco, CA
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Joel Johnson, Santa Cruz, CA
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Vincent Vandenbosch, West Hills, CA
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Don Bush, Los Angeles, CA
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Brian Gillespie, Inglewood, CA
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Philip Simon, San Rafael, CA
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Rita Franco, Monrovia, CA
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SCOTT MCCREERY, Morro Bay, CA
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Randall Parker, Long Beach, CA
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Gail Berkeley, Santa Barbara, CA
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Ruth Burman, San Carlos, CA
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Robert Beving, Los Angeles, CA
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Melinda Taylor, Long Beach, CA
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Richard Fairfield, Santa Rosa, CA
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Victor Kamendrowsky, Rancho Santa Margarita, CA
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Diana Bohn, Berkeley, CA
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Todd Snyder, San Francisco, CA
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Carol Taggart, Menlo Park, CA
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Michael Talbot, San Rafael, CA
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John Erb, Berkeley, CA
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Robert Glover, Fresno, CA
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Jenny Perez, Pomona, CA
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Liesbeth van den Bosch, San Diego, CA
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Devon Westerholm, Alameda, CA
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Randy Baker, Placentia, CA
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Britt Clemm, Santa Clara, CA
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Claire Chambers, Oakdale, CA
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Rebecca Clark, West Hills, CA
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Sharon Johnson, North Highlands, CA
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Audrey Higbee, Long Beach, CA
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Darcy Wright, Vista, CA
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Preslie McGee, Santa Barbara, CA
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Erica Murray, Carlsbad, CA
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Shawn Jones, Avila Beach, CA
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Richard Ball, Portola Valley, CA
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Britani German, Fresno, CA
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Cheryl Berg, Carmichael, CA
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Katie Foltz, San Jose, CA
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Utkarsh Nath, Fremont, CA
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Riddhi Patel, Bakersfield, CA
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Gabriella Sidhu, Los Angeles, CA
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Bob Leppo, Pismo Beach, CA
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Katherine Warner, Ventura, CA
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Mansi Goel, Redwood City, CA
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Susan Friedman, Petaluma, CA
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Matthew Gillespie, Redondo Beach, CA
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keo stacey, Redwood City, CA
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Shannon Montoya, Rohnert Park, CA
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Ara Johnson, Felton, CA
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Linda Knight, Santa Rosa, CA
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Bill Connor, Cupertino, CA
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Jane Richards Ennis, Fairfax, CA
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Annette Benton, Pittsburg, CA
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David Walker, Santa Barbara, CA
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Gloria Keller, Pleasant Hill, CA
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Marc De Leon, Woodland Hills, CA
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Claire Chambers, Oakdale, CA
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Brenda Wallace, Berkeley, CA
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Maritza Martinez, San Dimas, CA
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Randall Boltz, San Diego, CA
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Jack Hawks, San Diego, CA
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Joshua Mesman, Los Angeles, CA
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M Rodriguez, Sacramento, CA
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Isabelle Du Soleil, Los Angeles, CA
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Debbie Bolsky, Santa Monica, CA
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Bob Schildgen, Annapolis, CA
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Linda Sherwood, San Francisco, CA
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Kim Hensley, Denair, CA
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Audrey Ledesma, San Diego, CA
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Deborah Salomon, Santa Rosa, CA
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Sharon Bunch, Piedmont, CA
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Robert Kelner, Pacific Palisades, CA
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Jeanie Scott, San Francisco, CA
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Nancy Martin, Palo Alto, CA
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Paul Hammes, Palo Alto, CA
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Jan Hansen, San Diego, CA
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Gerard Ridella, Castro Valley, CA
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Arax a Maksoudian, San Dimas, CA
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eric weiss, Atascadero, CA
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Carmen Grant, Alturas, CA
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Constance Wessel, Sonora, CA
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Tiziana Perinotti, San Francisco, CA
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Diana Morgan-Hickey, San Jose, CA
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Irene Roos, Lakeside, CA
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JOHN HARRIS, Pittsburg, CA
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Michelle Montano, Stockton, CA
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William Henzel, San Jose, CA
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Kris Osward, Sonora, CA
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Elizabeth Adan, Carmichael, CA
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Mha Atma Khalsa, Los Angeles, CA
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Alison Hill, Lafayette, CA
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Robert Johnson, El Segundo, CA
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Randi Johnson, Topanga, CA
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Stephen Kozlowski, Temecula, CA
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Kat Romo, Oakland, CA
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Keith Rhinehart, Santa Clara, CA
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Pam Thomas-Hill, San Bernardino, CA
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Melina Paris, Rancho Palos Verdes, CA
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CurtisC Brown, Tujunga, CA
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Benita Cohen, Desert Hot Springs, CA
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Stefanie Kaku, Carmel, CA
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Tammy Bullock, Ramona, CA
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AJ Cho, San Leandro, CA
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Paula Katz, San Francisco, CA
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Scott Jung, South Pasadena, CA
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Lisa Ristorucci, Mill Valley, CA
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Ann Thompson, Crescent City, CA
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Marianne Brettell-Vaughn, Bishop, CA
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Cori Campbell, Beverly Hills, CA
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Forest Frasieur, Benicia, CA
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Debbie Hennessey, Culver City, CA
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Evette Andersen, Grass Valley, CA
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Patricia Kimble, San Bernardino, CA
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Bette Hawes, Palo Alto, CA
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Ron McGill, Los Angeles, CA
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Lucy Hart, Encino, CA
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Matthew Ramirez, Rancho Cucamonga, CA
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Linda Arouh, Porter Ranch, CA
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Nikki Sachs, Berkeley, CA
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Janis Tilton, San Ramon, CA
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Steven Yeager, Fair Oaks, CA
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Dawna Dorcas-Werner, Yucaipa, CA
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Barbara Watts, Los Alamos, CA
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Anita Youabian, Los Angeles, CA
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Gary Freeberg, Newbury Park, CA
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Yolanda WarnerGalina, Yreka, CA
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Dorit Grunberger, San Francisco, CA
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Jere Wilkerson, Avila Beach, CA
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Patricia Hadsall, Spring Valley, CA
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Mary Ann Reynolds, Modesto, CA
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Michelle Blackwell, Antioch, CA
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Carole Shelton, Los Angeles, CA
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Diana Sottana, Weed, CA
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Jennifer Houseal, Sherman Oaks, CA
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Catherine Fernandez, Daly City, CA
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Erin Smith, San Francisco, CA
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David Farwell, Carmel, CA
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Padma Mallam, Barstow, CA
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Jessica Andreatos, Bakersfield, CA
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Jane Illades, San Diego, CA
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Derek Young, Berkeley, CA
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Angela Fox, Desert Hot Springs, CA
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Debbie CORSIGLIA, Burlingame, CA
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Steven Yeager, Fair Oaks, CA
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Colleen Simmie, San Jose, CA
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Gary Thompson, San Francisco, CA
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Carolyn Israel, Santa Cruz, CA
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Richard Reed, Bakersfield, CA
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Daniel Berns, Desert Hot Springs, CA
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Kristin Womack, San Anselmo, CA
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Sayan Banerjee, Irvine, CA
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Linda Higgins, Flourtown, PA
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Hal Forsen, San Clemente, CA
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josephine prudhomme, San Rafael, CA
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Sharon Hafner, Eureka, CA
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James Yonts, Graton, CA
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Marianna Mejia, Soquel, CA
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Anne Dugaw, Costa Mesa, CA
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Steven Hoelke, Claremont, CA
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debra johnson, Sacramento, CA
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Pamela Gibberman, Panorama City, CA
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Deborah Dunster, Alameda, CA
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wendy fears, Irvine, CA
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Joan Rost, San Francisco, CA
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Amanda Bloom, Oakland, CA
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Alexis Grone, Oceanside, CA
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Raffaella Pippa, San Diego, CA
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Paul Van de Riet, Saint Louis, MO
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Warren Gold, Mill Valley, CA
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Beti Webb Trauth, Eureka, CA
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Sabrina Thompson, El Dorado Hills, CA
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Jonathan Tachibana, Los Angeles, CA
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Scott Emsley, Carmel, CA
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Rev. WJ Reichard, Emerald Hills, CA
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Lisa Jack, Novato, CA
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Gabriela Ramirez, Chula Vista, CA
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Susanna Garza, Manteca, CA
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Mary Gilbert, Sonoma, CA
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Kathleen Monteleone, Lake Elsinore, CA
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Wayne Anderson, Sacramento, CA
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John Keiser, Tacoma, WA
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D.G. Sifuentes, Mammoth Lakes, CA
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Yves DeCargouet, Lucerne, CA
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christina kirk, Los Angeles, CA
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andrea glass, Inverness, CA
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Joanne Britton, San Diego, CA
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Angela Grattan, Salinas, CA
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Sherri Turner, Newport Beach, CA
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David Greene, Manteca, CA
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Jim Lieberman, Annapolis, CA
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Janice Neal, Monterey, CA
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Linda Blackaby, San Francisco, CA
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Joy Turlo, Bonney Lake, WA
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Marisa Raya, Oakland, CA
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Lori Quigley, Livermore, CA
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Chloe Strycker, Palm Desert, CA
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Thomas Ray, Novato, CA
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Bonnie Shand, Bayside, CA
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Rachel Welch, San Jose, CA
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Nancy Schelling, Desert Hot Springs, CA
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Julieta Pisani McCarthy, Berkeley, CA
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Lilith Rogers, Sebastopol, CA
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D. Rowe, Santa Monica, CA

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Kate Elsbree, Healdsburg, CA

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Rebecca Doherty, Alameda, CA

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David Wolf, San Francisco, CA
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Cara Brody, Emeryville, CA
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Rhonda Oxley, Capitola, CA
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Deborah Hayes, Santa Cruz, CA
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Rayza Perez, Brawley, CA
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Rochelle Rodgers, Oakland, CA
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Citizen Voter, Westport, CA
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Fulvio Valsangiacomo, Beverly Hills, CA
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Kurt Renfro, San Juan Capistrano, CA
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Catherine Corwin, Santa Monica, CA
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Claudia Piaseckyj, Winnetka, CA
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Carol Kuelper, Oakland, CA
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Faye Rye, Torrance, CA
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Georgia Labey, Palm Desert, CA
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Gopal Shanker, Napa, CA
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Barbara Harper, Castroville, CA
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David Doering, San Francisco, CA
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Patti Mickelsen, Laguna Beach, CA
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Alexandra Crisafulli, Berkeley, CA
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Arleen Zuniga, Guerneville, CA
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Michelle Setaro, Modesto, CA
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Catherine Beauchamp, Pasadena, CA
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Linda Pemberton, Modesto, CA
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Philip Fraser, San Juan Capistrano, CA
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Laurie Sargent, Livermore, CA
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Barbara Bennigson, Palo Alto, CA
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Warren M. Gold, Mill Valley, CA
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Ken Windrum, Van Nuys, CA
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Mike Evans, Berkeley, CA
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Jannie Lauenroth, Victorville, CA
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Leigh Ann Pocek, La Jolla, CA
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Kathleen Callaghan, Hollister, CA
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Lynn Sentenn, Brea, CA
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Barbara Trerice, Antioch, CA
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Justin Truong, San Francisco, CA
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Jane Nachazel-Ruck, Los Angeles, CA
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Nicole Heslip, San Anselmo, CA
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Hingman Chan, Piedmont, CA
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H. Daniels, Gilroy, CA
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Jane Lyon, Cotati, CA
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Milian Correa, Rio Vista, CA
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John Rose, Goleta, CA
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Chuck Rocco, Simi Valley, CA
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Joan Hebert, Menlo Park, CA
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Jeanne Hart, Riverside, CA
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barbara Gale, Encino, CA
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Yuya Nishino, Torrance, CA
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Jacqueline Meyer, Foster City, CA
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Nina Minsky, Ventura, CA
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DANIEL OGRADY, Templeton, CA
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Heidi Groom, Moreno Valley, CA
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Nina Wouk, Menlo Park, CA
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Michael Mikus, San Diego, CA
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Donald Sage Mackay, South Pasadena, CA
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Paul Steege, Nevada City, CA
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Katharine Greenebaum, Reseda, CA
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Llauren Peralta, Los Angeles, CA
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Julie Schiowitz, Newbury Park, CA
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Gina Crane, Tehachapi, CA
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Sandy Banks, Playa Del Rey, CA
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Cindy Currie, Sacramento, CA
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Valerie Orner, San Mateo, CA
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Constance Flannery, San Francisco, CA
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O'Neill Louchard, Visalia, CA
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Theresa Johnson, Long Beach, CA
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Theresa Smith, Long Beach, CA
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Paulette Doulatshshi, Playa Del Rey, CA
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Michelle Biondini, San Francisco, CA
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Flora Rosas, Los Angeles, CA
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Sheree Poitier, Rancho Palos Verdes, CA
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Terri Parker, Santa Rosa, CA
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Rebecca Crea, Maricopa, CA
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Alan Wortman, Redwood City, CA
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Shelley Abbate, Union City, CA
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Lisa Matheus, Newhall, CA
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John Callegari, Petaluma, CA
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Lisa Laureta, Los Angeles, CA
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Crystal Zaouay, Capitola, CA
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Diana González, Rio Vista, CA
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Linda Johnson, Fremont, CA
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Caroline Chang, Inglewood, CA
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Sylvia Shaw, Arcata, CA
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JL Angell, Rescue, CA
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robert johnson, Aptos, CA
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Marc Roos, Los Gatos, CA
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Mark Winkler, Ukiah, CA
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Nathaniel Ramos, Watsonville, CA
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Joe Catania, Fresno, CA
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shelley lansdale, Redding, CA
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Scott Hester, Calistoga, CA
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Irene Roseen yildiz, Los Angeles, CA
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Donna Pedroza, Alameda, CA
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Tulsi Milliken, Fallbrook, CA
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Melina Kust, Seal Beach, CA
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Barbara Witney, Emeryville, CA
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Debra Frischer, San Diego, CA
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Judith Kokura, San Francisco, CA
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Maia de Raat, San Francisco, CA
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Rick Edmondson, Danville, CA
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Michael Shea, Cedar Ridge, CA
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Jeff Fromberg, Los Angeles, CA
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Pagasa Serrano, Garden Grove, CA
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Frank Hurley, Mountain View, CA
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Amit Shoham, Oakland, CA
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Joshua Arthur, Mount Shasta, CA
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Priscilla Peters, Turlock, CA
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Jo Storsberg, Watsonville, CA
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Sue McCasey, Fort Bragg, CA
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Damon Brown, Los Angeles, CA
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Yvonne Fisher, Playa Del Rey, CA
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Judith Hall, Carmel, CA
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Thomas McVay, Rancho Mission Viejo, CA
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Pamela Ball, San Leandro, CA
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Tony Grijalva, Los Angeles, CA
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Jeannette Ralston, Half Moon Bay, CA
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Amanda Heske, Junction, TX
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Barbara Danese, Placerville, CA
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Séverine SORDET, ,
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Lois Yuen, Berkeley, CA
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bob nace, Pleasant Hill, CA
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Linda A, San Clemente, CA
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Karen Shoop, Long Beach, CA
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Andrew Lawrence, San Francisco, CA
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Donna Crane, Anderson, CA
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Michael McMahan, Huntington Beach, CA
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Richard Saunders, Oakland, CA
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Edmond Lareau, Redwood City, CA
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Evette Andersen, Grass Valley, CA
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Martha Mann, Riverside, CA
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Erica Stanojevic, Santa Cruz, CA
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Madeline Covey, Palo Alto, CA
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Darlene Ross, Woodbridge, CA
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Denise Redden, Auburn, CA
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Suzanne Hall-Whitney, Martinez, CA
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Jesse DeRose, San Francisco, CA
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Adriana Baltazar, San Pedro, CA
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Megan Robbins, Bodega Bay, CA
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Bradford Dewan, San Diego, CA
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J Pizzo, Corte Madera, CA
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Michael Meyer, Mount Shasta, CA
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J Lasahn, El Cerrito, CA
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Debbie Beard, San Diego, CA
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CARLA Davis, Corte Madera, CA
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Lily Mejia, Hemet, CA
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Patricia Hammons-Lewis, Los Angeles, CA
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Rebecca Egger, Berkeley, CA
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sofia okolowicz, Temecula, CA
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Stephanie Linam, Benicia, CA
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Thefbiiswatching Izskaminyu, Oakland, CA
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Mark Chenevey, Long Beach, CA
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Katherine Barron, Hermosa Beach, CA
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Glenn Finch, Sebastopol, CA
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Patricia Sweet, San Francisco, CA
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Sharon Paltin, Laytonville, CA
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Kim Waterson, Orange, CA
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Jay-R Hipol, Los Gatos, CA
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Charlotte Gray, Hemet, CA
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Iliana Guzman Aguiar, Laguna Niguel, CA
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Leroy Ikerd, Garberville, CA
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Anita Kreager, Alpine, CA
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Mary Jane Cope, Santa Cruz, CA
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ronnie huber, Oceanside, CA
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Sheila Silan, Somerset, CA
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Greg Grady, Fairfax, CA
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Alma Prins, Berkeley, CA
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Cathy Gamble, Aptos, CA
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Cynthia Smith, Mission Viejo, CA
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Sabine Brock, Beverly Hills, CA
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Molly Bennett, Paso Robles, CA
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terri ducay, Menlo Park, CA
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Alisa Risso, Ladera Ranch, CA
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Rebecca Windinwood, Ojai, CA
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Sandra Nealon, Laguna Beach, CA
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natalie pocoroba, Corona, CA
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Patricia Hammons-Lewis, Los Angeles, CA
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Helia Zarkhosh, Sacramento, CA
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Lorraine Ozeri, San Francisco, CA
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Malene O, Stevenson Ranch, CA
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Ed Oberweiser, Fort Bragg, CA
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Brian Gillespie, Inglewood, CA
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Blue McRight, Venice, CA
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Janice Patten, Grass Valley, CA
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Alan Townsend, San Francisco, CA
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Monica Nolan, San Francisco, CA
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Heather McHugh, Oakland, CA
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Lynda Harris, Alhambra, CA
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Debra Bishop, Sacramento, CA
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Angelina Saucedo, Montebello, CA
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Jean Riehl, Fairfield, CA
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Christian Reyes, Moreno Valley, CA
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Kimmerly Simon, San Leandro, CA
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Ingrid Skei, Thousand Oaks, CA
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Lisa Salazar, Shasta Lake, CA
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teresa mcgrath, Portland, OR
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Luz Cobarrubias, San Francisco, CA
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Michele Osland, Johns Island, SC
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Jim Hanley, Santa Rosa, CA
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Patrick Haskins, Camarillo, CA
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Connie Cain, Crescent City, CA
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Craig Houx, Monterey, CA
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Tom Hughes, Pomona, CA
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David Zachary Brown, Santa Rosa, CA
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Grace Pan, San Jose, CA
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Julia Sanford, Van Nuys, CA
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Natalie Carroll, Van Nuys, CA
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Frank Gagliardo, Fort Bragg, CA
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Neomi Abrahamson, Berkeley, CA
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Jose Moreno, Ventura, CA
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Mary Sanders, Petaluma, CA
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Christa Yepez, Whittier, CA
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Cynthia Guthrie, Yucca Valley, CA
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Garry Star, Thousand Oaks, CA
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Barbara Mesa, West Hollywood, CA
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Valerie Kuskulis, Novato, CA
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Hilary Rand, San Francisco, CA
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Bruce Johnson, San Francisco, CA
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Virginia Stewart Carton, Orinda, CA
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Susan Goldberg, Kalamazoo, MI
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Maggie Wineburgh-Freed, Los Angeles, CA
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Tim Tolbert, San Jose, CA
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Ady Larsen, San Francisco, CA
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Maria Tillmanns, San Diego, CA
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Jeffrey Jenkins, Diamond Bar, CA
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Janet McCalister, Winston Salem, NC
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Michael Parry, Carlsbad, CA
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Jeri Fergus, Redway, CA
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Noreen Driscoll, San Jose, CA
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Robert Puccinelli, Salinas, CA
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B J Charnak, North Hollywood, CA
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Renee Deprey, Sebastopol, CA
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Rachel Galgoul, San Francisco, CA
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Maria Rumpp, Manhattan Beach, CA
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JOYCE KOLASA, Springville, CA
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Alison Bonn, Culver City, CA
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Victoria Bennett, San Diego, CA
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Mari Dominguez, Lodi, CA
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Elaine Parker, Berkeley, CA
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Sharon Cy, San Pedro, CA
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Michael Beckman, Redondo Beach, CA
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Stephen Roddy, San Francisco, CA
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Tom Feldman, La Canada Flintridge, CA
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Tom Johnson, Emerald Hills, CA
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Lynn McCrea, Oakland, CA
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kerry Wright, Sacramento, CA
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Glenda Griffith, Cambria, CA
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Joseph Clement, Colfax, CA
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Lisa Brazinsky, Poway, CA
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David Scott, Saratoga, CA
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April Modesti, Mountain View, CA
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Amanda Stephano, Carlsbad, CA
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Sara Van Dusen, Palo Alto, CA
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Matt Wait, Los Angeles, CA
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Joseph Blum, San Francisco, CA
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Rhoby Cook, Hoopa, CA
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Lynn Miclea, Chatsworth, CA
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Audrey Quintero, Redwood City, CA
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David Garfinkle, Tarzana, CA
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Nicholas Ratto, Alameda, CA
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Pavani Ramnarayan, San Diego, CA
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Phyllis Davis, San Ramon, CA
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Brooke Shaffer, Hesperia, CA
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Carol Nicklas, Berkeley, CA
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Vicki Davis, San Jose, CA
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R Daghighian, Foster City, CA
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Heather Lutz, New Smyrna Beach, FL
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Art Stclair, Moorpark, CA
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Mary Foley Foley, El Dorado Hills, CA
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patricia law, San Diego, CA
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Anne Oklan, Richmond, CA
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Claire Levy, New Canaan, CT
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Lll D, Albany, CA
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Catharine Krupp, San Luis Obispo, CA
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Gillian Anderson, Santa Rosa, CA
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Andrea Kevech, Belmont, CA
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Kim Bartlett, Emeryville, CA
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Bruce Wismer, Richmond, CA
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Grace Gutierrez, Buckeye, AZ
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Leah Fagundes, San Pablo, CA
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Mari Huff, San Diego, CA
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Magaly Fernandez, San Francisco, CA
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Kathleen Hall, Mount Shasta, CA
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Gail Hernandez, San Francisco, CA
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Gina Jager, Fremont, CA
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efuan Simms, Los Angeles, CA
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Theodora Moriarty, Spring Valley, CA
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Tobias Fairman, Glendora, CA
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Stephen Bohac, Twain Harte, CA
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Heather Rudin, Lancaster, CA
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Judith Collins, Half Moon Bay, CA
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Nancy Lund, Benicia, CA
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Gary Baxel, Cathedral City, CA
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Heather Haas, Concord, CA
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Alice Herwill, Mill Valley, CA
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Leslie Clement, Antioch, CA
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joe sith, Bard, CA
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Julie Holguin, Los Angeles, CA
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Cristina Amarillas, Santa Rosa, CA
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David Bornstein, Santa Cruz, CA
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Chris Macy, Paso Robles, CA
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judith lotz, Burbank, CA
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Linda Larsen, Port Hueneme, CA
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karen steele, Eureka, CA
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Kathlyn Grabenstein, Costa Mesa, CA
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Michele Gelboin, La Jolla, CA
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John Ida, San Francisco, CA
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Brice Beckham, West Hollywood, CA
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Craig Hoetger, North Hollywood, CA
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Paul Ziegler, San Diego, CA
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Maria Pacheco, North Hills, CA
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Lance Robert, San Diego, CA
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Martin Henderson, Goleta, CA
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Lola Bice, Monterey, CA
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Judith Nicolaidis, San Diego, CA
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Robert Magarian, Berkeley, CA
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Valerie Thomas, Watsonville, CA
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Julie Lindow, San Francisco, CA
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Cornelia Gordon, San Diego, CA
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Jack MacCarthy, Los Angeles, CA
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Gina Gatto, Castro Valley, CA
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Deimile Mockus, Los Angeles, CA
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Carmen Joseph Dello Buono, San Jose, CA
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Leslie Doan, San Jose, CA
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Jennie Robinson, Oakland, CA
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Lili Munoz, Clovis, CA
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Dennis Young, Pismo Beach, CA
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Corey Laners, Mission Viejo, CA
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kelsey swann, San Marcos, CA
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Jill B., San Francisco, CA
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Fred Tashima, Los Angeles, CA
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Twikie Simms, Anaheim, CA
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Wayne Steffen, Fresno, CA
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Michael Rotcher, Mission Viejo, CA
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Nancy Evans, Camarillo, CA
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Lisa Piner, Costa Mesa, CA
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Susanne Moelter, Glen Ellen, CA
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Jasna Ciric, Newhall, CA
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Teri Morgan, San Jose, CA
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Joan Wlodaver, San Rafael, CA
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Alan Robinson, Palm Desert, CA
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Debra Robinson, San Bernardino, CA
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Miranda Everett, Lake Isabella, CA
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Vicki Kopinski, Menifee, CA
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Rozanna Dyan Garza, San Francisco, CA
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richard cox, Venice, CA
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Diane Wolf, Hayward, CA
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Delphine Pastiaux-Murphy, San Diego, CA
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Danielle Parish, Mountain View, CA
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Jay Rutherdale, Sacramento, CA
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Martha Aubin, Santa Barbara, CA
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Juliann Hummert, Saint Helena, CA
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Jeanne McCarry, San Jose, CA
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Divine Salas, San Francisco, CA
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CHRISTINE L PORTER, Chico, CA
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Rev. Victotia Humphrey, Vallejo, CA
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APRIL Burchardt, Orland, CA
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Elizabeth Miner, Desert Hot Springs, CA
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Cole Bazemore, Glendale, CA
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Greg OBrien, Rancho Murieta, CA
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Carlotta Kidd, Sacramento, CA
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Mike Flaningam, Depoe Bay, OR
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Dimitra Karacali, Thousand Oaks, CA
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Debbie Gibson, Santa Monica, CA
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Roger Hollander, Tarzana, CA
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Erica Fox, Pebble Beach, CA
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Donn Davy, Novato, CA
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Sharon Lieberman, Annapolis, CA
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Mickey McCarthy, Portland, OR
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Ellen Widess, Berkeley, CA
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April Parkins, Oakland, CA
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Johanna Abate, San Francisco, CA
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Janet Monfredini, San Francisco, CA
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Natasha Saravanja, San Francisco, CA
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Doug Crozier, Cardiff By The Sea, CA
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M Freedman, Tarzana, CA
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Josh Zuckerman, Burbank, CA
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Shari Baker, San Jose, CA
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Donna Panza, Grass Valley, CA
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shiriel king abramson, Belvedere Tiburon, CA
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Linda Bruce, Yuba City, CA
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Carrie Staton, Santa Cruz, CA
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Dawn Miller, Winnetka, CA
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Suzanne Wood, Berkeley, CA
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El P., Talmage, CA
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Rosalind O'Brien, Sacramento, CA
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Sheila Malone, Las Vegas, NV
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Sallye Steiner Bowyer, Soquel, CA
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Josh Bednarsky, Valley Village, CA
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Jim Cromeenes, Elk Grove, CA
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Charles Modjeski, Fremont, CA
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leland bellot, Placentia, CA
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Joann Lapolla, San Diego, CA
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Barbara Rohr, Orleans, CA
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John Spaventa, Monterey, CA
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Lynda Daniels, Carlsbad, CA
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Pat von Alten, Yreka, CA
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Sheri Kuticja, Concord, CA
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Erika Vargas, Castro Valley, CA
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Alyza Cornett, Los Angeles, CA
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Gary Jones, San Marino, CA
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J Caldron, Baldwin Park, CA
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Nancy L Reynolds, Morgan Hill, CA
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Jai Conley, Fairfax, CA
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Todd Snyder, San Francisco, CA
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Shalomar Loving, Running Springs, CA
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D. Lewis, Long Beach, CA
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Randee LaSalle, Nipomo, CA
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B Chan, San Diego, CA
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Russell Weisz, Santa Cruz, CA
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Victoria Loch, Vacaville, CA
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Natalie Clark, Little Rock, AR
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Greg Goodmacher, Solana Beach, CA
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Judy Doane, San Francisco, CA
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Leslie Harper, North Bend, OR
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Thomas Rogers, Chatsworth, CA
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Gloria Aguirre, Castaic, CA
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Steven Proveaux, La Mesa, CA
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Leah Leah, Carlsbad, CA
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Lisa Winningham, Los Gatos, CA
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Ralph Valencia, Monterey Park, CA
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Marianna Riser, Novato, CA
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Wendy Vandenbrock, Ladera Ranch, CA
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Susan Wilkins, Alpine, CA
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Ady Olvera, Concord, CA
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James Piper, Petaluma, CA
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Jose Moreno, Ventura, CA
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Taylor Edelhart, San Francisco, CA
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Marilyn Ditmanson, Chico, CA
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ronnie huber, Oceanside, CA
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Gilda Harger, Mill Valley, CA
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Deborah St. Onge, Poway, CA
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Shan Albert, Studio City, CA
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Ina Komins, Toluca Lake, CA
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Raymonde Gessinger, Oceanside, CA
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Leslie Swieck, Oakland, CA
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Susan Wheaton, Napa, CA
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Lynn Hasler, Eureka, CA
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Celeste Andersen, Solvang, CA
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WILHELMINA TAX, Tucson, AZ
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June Evans, Encinitas, CA
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Giovanna SensiIsolani, Benicia, CA
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Carol Hewitt, Signal Hill, CA
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Sandy Killen, Fairfax, CA
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Jayleene West, San Diego, CA
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natasha kaluza, El Sobrante, CA
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Edwin Zalenski, San Lorenzo, CA
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Nathan Brenner, La Jolla, CA
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Margaret Weimer, San Mateo, CA
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Linda Remy, Belvedere Tiburon, CA
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Michelle Kosinski, Goleta, CA
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Amanda Zangara, Sebastopol, CA
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Jennifer Ivester, Encinitas, CA
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Phoebe Rufener, Torrance, CA
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Kelly Ardis, Bakersfield, CA
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Ah Ho, San Mateo, CA
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Ariana Mallouhi, Riverbank, CA
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sue smith, Nipomo, CA
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betsy schulz, Oakland, CA
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Georja Umano, Santa Monica, CA
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Regina Stefaniak, Berkeley, CA
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Suzi Schoensee, Calpine, CA
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Ron Bunch, Concord, CA
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Laraine Lewis, Mount Shasta, CA
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Mike Barnett, San Francisco, CA
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Patti Fink, Petaluma, CA
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Dale Riehart, San Francisco, CA
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Michelle Davis, Vacaville, CA
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Linda Freeman, Yuba City, CA
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Margaret Lynwood, Walnut Creek, CA
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Lacey Wozny, Kansas City, MO
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Heather Parker, La Crescenta, CA
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Blanche Korfmacher, San Francisco, CA
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Eliot Kaplan, Woodland Hills, CA
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Dennis Leslie, Fowler, CA
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Brianna Quick, Los Angeles, CA
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Lisa Patton, San Francisco, CA
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T. Anne Richards, Berkeley, CA
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Vanessa Kong, Hillsborough, CA
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Ian James, Huntington Beach, CA
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David Lyons, Fortuna, CA
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Sharon Smith, West Hills, CA
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IRENE COOPER, Beverly Hills, CA
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Eric Johnson, Fort Bragg, CA
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Jean Merritt, North Hollywood, CA
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Lise Kastigar, Laguna Niguel, CA
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Carol Luery, Sacramento, CA
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Adrian Fried, Novato, CA
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Andrea Graff, San Francisco, CA
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Barbara Williamson, Albany, CA
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Victoria Bennett, San Diego, CA
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Jonathan Rapp, San Francisco, CA
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Gary Freeberg, Newbury Park, CA
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Linc Conard, Pasadena, CA
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Yvonne Neal, Playa Del Rey, CA
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PATRICIA MANNING, South Lake Tahoe, CA
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Jean Tepperman, Berkeley, CA
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Ady Larsen, San Francisco, CA
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Winona Suyenobu, Santa Cruz, CA
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Renee Lash, San Jose, CA
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Angelica Zhu, Alameda, CA
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Allie Johnson, Oakland, CA
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Leah Redwood, Berkeley, CA
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Dan Ouellet, Alameda, CA
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Genevieve Fujimoto, San Francisco, CA
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shirley porter, Grass Valley, CA
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lynn hoang, Fullerton, CA
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Leah Redwood, Berkeley, CA
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Nora Privitera, Oakland, CA
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Soirsette lazare, Mckinleyville, CA
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just Me, Berkeley, CA
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Sharon Fritsch, Chico, CA
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Tiffany Goldwater, Marina Del Rey, CA
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diena street, Modesto, CA
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Francesca Prada, San Francisco, CA
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Paula Carrier, San Diego, CA
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Susan Rollins, Mesa, AZ
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claire potstada, Oakland, CA
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Patricia Hein, Pleasant Hill, CA
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Alex Phuong, Alhambra, CA
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Brittany Accetturo, Stanford, CA
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Loretta Thompson, Tustin, CA
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Charles Bret, Alameda, CA
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Janice Cecil, Berkeley, CA
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Nancy Ruben, Los Angeles, CA
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Ann Dorsey, Northridge, CA
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Helen Lahoda, Berkeley, CA
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Judith Campo, Canoga Park, CA
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Susan Porter, Oklahoma City, OK
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Rochelle Fuller, Santa Cruz, CA
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Carly Clements Owens, Alamo, CA
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Joan Poss, Fresno, CA
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JL Angell, Rescue, CA
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Robert Rutherford, Healdsburg, CA
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Mary Good, Grass Valley, CA
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Janice Kirsch, Berkeley, CA
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Anjali Rojas, Berkeley, CA
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Marcy Israel, San Francisco, CA
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Sheila Jenkins, Alameda, CA
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John Oda, San Francisco, CA
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Karen Kirschling, San Francisco, CA
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Nancy Berman, Kensington, CA
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Cathy Stansell, Frazier Park, CA
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Marcia Edelen, Berkeley, CA
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Marina Eskander, Los Angeles, CA
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John Oda, San Francisco, CA
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Anna Drummond, Grass Valley, CA
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Michel Budowski, Oakland, CA
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Karen Kirschling, San Francisco, CA
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Shelly Rodgers, Sacramento, CA
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Dora Luna, Hacienda Heights, CA
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Cinda Johansen, Folsom, CA
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Daniel Zeiger, San Rafael, CA
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Keith Christy, Jurupa Valley, CA
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Candace Styczynski, Modesto, CA
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Cynthia Jeffries, San Diego, CA
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Kristel Rietesel, Kensington, CA
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Elizabeth Wharton, Oakland, CA
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Linda Delia, Whittier, CA
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Lisa Sebright, Sacramento, CA
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Ferne Labs, Rio Dell, CA
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James Barkovich, Mill Valley, CA
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Senta Tsantilis, San Francisco, CA
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Jane Kenner, San Francisco, CA
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Brian Luenow, San Francisco, CA
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Kaity Galanos, Oakland, CA
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Mark Crane, Los Angeles, CA
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Adrineh Safarian, Moreno Valley, CA
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Connie Ford, Rosamond, CA
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Alyssa Gutierrez, Sacramento, CA
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Noah Haydon, Daly City, CA
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Valerie Voigt, Palo Alto, CA
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Verona Murray, Oroville, CA
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Johnette Peruzzi, Red Bluff, CA
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Nancy Nilssen, Dublin, CA
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Kevin O'Brien, Laguna Woods, CA
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Linda A, San Clemente, CA
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SUSUN GODWIN, Long Beach, CA
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Virginia Ferguson, Portsmouth, NH
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Terri Gedo, Los Angeles, CA
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Katherine Kiehn, Richmond, CA
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Nico Mcafee, Belvedere Tiburon, CA
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Maggie Lewis, Shiprock, NM
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Mary McAuliffe, Los Angeles, CA
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Sheri Rollison, Novato, CA
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Erlinda Cortez, Long Beach, CA
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Lynne Rondelle, Santa Cruz, CA
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Yvette Dishman, Santa Cruz, CA
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Denise Trizinsky, Silverado, CA
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Cicely Brookover, Grass Valley, CA
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Abraham Oboruemuh, Riverside, CA
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Patricia Kolchins, Calabasas, CA
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Holly Thomas, Santa Cruz, CA
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Mark Reback, Battle Ground, WA
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Gary Beckerman, Santa Ynez, CA
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Krishna Venkatraman, Laredo, TX
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James Goetz, Novato, CA
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Cathy Ashley, Santa Monica, CA
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Gina Carollo, San Diego, CA
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Michael McMahan, Huntington Beach, CA
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Kathleen Mcclelland, Oakland, CA
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Victoria Brandon, Northridge, CA
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Monique Roblin, Walnut Creek, CA
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Doug Perske, Chico, CA
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Deborah Hirsh, Ann Arbor, MI
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Barbara Marrs, Phelan, CA
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Mitch Kerman, Eureka, CA
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Alexa Pallas, Encinitas, CA
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Sabina Yates, Benicia, CA
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Jasmine A, Dublin, CA
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Jeffrey Fairfield, Sunnyvale, CA
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Katherine Poole, Pasadena, CA
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Paul Nelson, Marion, NC
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Shellie Vann-Volk, Chico, CA
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Lisabette Brinkman, Santa Barbara, CA
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Audrey Lee, Lodi, CA
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Pamela Murphy, Ojai, CA
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Ronald Dow, Moorpark, CA
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Mary Argo, Sacramento, CA
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Nilofar Amier, Tarzana, CA
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MaryAnne Glazar, Oakland, CA
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Ballinger Kemp, Richmond, CA
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Jhene Canody, San Rafael, CA
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Nora Burns, Berkeley, CA
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Nikhil Su, Dublin, CA
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Reyhaneh Abdi, Apple Valley, CA
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natasha kaluza, El Sobrante, CA
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Donna Mize, Richmond, CA
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Nancy Schwartz, San Diego, CA
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Audre Bley, Menlo Park, CA
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Roberta Orlando, San Francisco, CA
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Jane Holt, Los Altos, CA
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Christy Bulskov, Solana Beach, CA
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Nancy Schneider, San Mateo, CA
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Amanda Zangara, Sebastopol, CA
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Judy Marsh, Santa Monica, CA
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Thérèse DeBing, Pacific Grove, CA
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Elke Blair, Vancouver, WA
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Heather Mackin, Edwardsville, IL
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Tamara Goldsmith, San Rafael, CA
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Pegi Ghanbari, West Hills, CA
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Robert Sharp, Belmont, CA
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Miriam Sanchez, Chula Vista, CA
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vanessa leal, Whittier, CA
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Stephanie Mood, San Diego, CA
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Jane Kelsberg, Greenbank, WA
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Stefani Martinez, Costa Mesa, CA
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David Adams, Penn Valley, CA
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Renee Bradford, Studio City, CA
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Toni López, Denver, CO
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Victoria Dreifuss, Occidental, CA
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Malina H, Long Beach, CA
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Kristina Zweig, Pacheco, CA
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Patricia Hammons-Lewis, Los Angeles, CA
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Deborah Votek, Glen Ellen, CA
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Michael D'Adamo, Doylestown, PA
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Jim P, San Jose, CA
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Janet Duran, Carmel Valley, CA
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Rudy Zeller, Benicia, CA
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Lynn Ireland, Larkspur, CA
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Jim Patton, Los Altos, CA
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Tim Maurer, Anaheim, CA
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Kathleen Winter, Westminster, CA
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Jon M Sturtevant, Tuolumne, CA
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Sheriden Vince, Walnut Creek, CA
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John Schelling, Orinda, CA
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Greg L Pennington, San Francisco, CA
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gerrit woudstra, Pasadena, CA
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Rita Fahrner, San Francisco, CA
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Benjamin Rodriguez, Hercules, CA
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Dustin Crook, Fountain Valley, CA
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Christina Fritsch, Forestville, CA
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Gail Ferriera, Concord, CA
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Elias Welsh, Berkeley, CA
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Don Sparks, Northridge, CA
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Mark Ginsburg, Santa Cruz, CA
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Paul Waller, Woodland Hills, CA
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Thefbiiswatching Izskaminyu, Oakland, CA
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Vickie Rozell, Menlo Park, CA
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Randy Johnson, Sebastopol, CA
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Amanda Klauk, Colbert, WA
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Margo Thelander, Walnut Creek, CA
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Cynthia McMath, Boonville, CA
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Kevin Jernegan, Santa Rosa, CA
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Nina Von Drachenfels, Marina, CA
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Joe Miller, Morro Bay, CA
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Mary Sue Ittner, Gualala, CA
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larry yard, Palm Desert, CA
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Shabad Khalsa, Sacramento, CA
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Shannon Campos, Los Altos Hills, CA
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Melissa Spangler, Costa Mesa, CA
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al shayne, Los Angeles, CA
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Allen Graves, March Air Reserve Base, CA
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Christopher Evans, Berkeley, CA
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Barry Schwartz, Napa, CA
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Rena Zaman-Zade, Escondido, CA
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Mary Reed, Sebastopol, CA
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Dave Whipple, Monterey, CA
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Cari Chenkin, Citrus Heights, CA
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B Geddes, Oakland, CA
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Kaelan Shannon, Corona, CA
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Sheila Cyboron, Carlsbad, CA
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Cathie Clark, Thousand Oaks, CA
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Lorraine Cline, Concord, CA
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Marty Maskall, Fair Oaks, CA
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Riley Griesenbeck, Mammoth Lakes, CA
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Patty Linder, San Jose, CA
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Ann Denton, Sonora, CA
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Vincent Vandenbosch, West Hills, CA
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Scott Grinthal, Oakland, CA
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Cathren Murray, Richmond, CA
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Marc Gregory, Beverly Hills, CA
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Diana Duncan, Santa Monica, CA
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Brian Flores, Hayward, CA
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John Linneball, Berkeley, CA
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Kelly Ardis, Bakersfield, CA
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Margaret O'Halloran, Oakland, CA
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Phyllis Mandel, Richmond, CA
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Marlene Mills, Santa Barbara, CA
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Alison Dillemuth, Santa Barbara, CA
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Christy Bulskov, Solana Beach, CA
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Jill Dunham, Tustin, CA
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Susan Desmond, Martinez, CA
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Irene Hilgers, Davis, CA
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Natasha Kaluza, El Sobrante, CA
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Michael Denton, San Leandro, CA
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Susan OConnell, Sacramento, CA
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Deb Dearing, Santa Rosa, CA
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Maria Carbonell, Los Angeles, CA
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dana figus, North Hollywood, CA
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Eirik Torheim, La Jolla, CA
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Shelagh Garren, Arroyo Grande, CA
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Amy Sullivan, Los Angeles, CA
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Peggy Bradley, Riverside, CA
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John Shell, Granada Hills, CA
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Christine Doyka, Garberville, CA
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Zaver Shroff, Sunnyvale, CA
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Eric Stiff, Durango, CO
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M Rodriguez, Sacramento, CA
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Erika Armin, Los Angeles, CA
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Lynn Ryan, Torrance, CA
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Lisa Steele, Roseville, CA
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Stephenie Stephens, South Lake Tahoe, CA
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David Schneider, Santa Rosa, CA
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CINDIE WOODS, Dana Point, CA
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Susan Reichert, Torrance, CA
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Jane Nadeau, Culver City, CA
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Donna Harris, Signal Hill, CA
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lynda Cook, Canyon Country, CA
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Scott Watanabe, Los Angeles, CA
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ted Hume, Los Angeles, CA
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Patricia Campbell, Kentfield, CA
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Paola Giron-Carson, Oakland, CA
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Anne Kobayashi, San Diego, CA
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Gabriel Sheets, Mariposa, CA
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Toni Garcia, Laguna Niguel, CA
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Eliza Briggs, San Francisco, CA
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Jon Silver, Portola Valley, CA
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Nancy Amodeo, Los Angeles, CA
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Sarah M, Seattle, WA
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Karen Guma, Petaluma, CA
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Candice Bryan, La Mesa, CA
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Carol Lane, Concord, CA
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Yvonne Greenen, Palo Alto, CA
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AJ Cho, San Leandro, CA
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Karen O'Rourke, Oakland, CA
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Liam Keily, San Francisco, CA
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Valerie A Kobal, Vineburg, CA
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Gillian Healed, Santa Barbara, CA
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Noah hall, Long Beach, CA
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Kris Vensand, Encinitas, CA
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Roslyn Holtz, San Pedro, CA
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Linda Civitello, Sebastopol, CA
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Patricia Hammons-Lewis, Los Angeles, CA
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Andrea Traber, Berkeley, CA
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Philip Patino, Pico Rivera, CA
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Donna DeCamp, Richmond, CA
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Sandra Nightingale, Yucca Valley, CA
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Kristel Rietesel, Kensington, CA
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Mark Drexler, Oakland, CA
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Mary Bartholomay, Palo Alto, CA
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Cathy Ashley, Santa Monica, CA
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Carol Vieira, Novato, CA
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Karen O'Rourke, Oakland, CA
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Amie Gutierrez, Oakland, CA
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sofia naccarato, Long Beach, CA
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Cheryl Moskowitz Nyulassie, Campo, CA

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AJ Cho, San Leandro, CA
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David Morris, Oakland, CA
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Barbara Frazer, Sacramento, CA
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DAVID SOTO, Agua Dulce, CA
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Jolene Edwards, Visalia, CA
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Dudley and Candace Campbell, Van Nuys, CA
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Elaine Holder, Atascadero, CA
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celeste Stanik, Royal Oaks, CA
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Gladys Delgadillo, Los Angeles, CA
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Rollin Blanton, Pasadena, CA
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Joanie Halverson, San Anselmo, CA
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Juliann Berman, Redwood City, CA
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Protect ALL Things WILD and WONDERFUL, San Diego, CA
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Jill Dahlman, Rancho Cordova, CA
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Jerid Anderson, Santa Maria, CA
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Douglas Bender, Redondo Beach, CA
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Monika Holm, Oakland, CA
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VJ WAKS, Culver City, CA
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James Rogers, El Sobrante, CA
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Rita Carlson, Eureka, CA
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Michael A. Johnston, San Diego, CA
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Charles Warner, Fontana, CA
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Gary Lapid, South San Francisco, CA
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Nann White, San Francisco, CA
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Michael Friedman, El Sobrante, CA
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J Cole, Joshua Tree, CA
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Marivee Frayer, Boulder Creek, CA
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Nicolas Duonn, Aliso Viejo, CA
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Bonnie Dombrowski, Pasadena, CA
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Michael Heyl, San Luis Obispo, CA
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Kathleen Steven, Santa Cruz, CA
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Jeffrey Pekrul, San Francisco, CA
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Steven Waldrip, Aptos, CA
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Lisa Picot, San Francisco, CA
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SweetGrass Longhouse, Cleveland, OH
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Sandra Lee, Rohnert Park, CA
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Susan Pisor, Napa, CA
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James Symington, Downey, CA
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Sylvia Cardella, Hydesville, CA
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Gail Jarocki, Richmond, CA
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Debra Ellis, Santa Cruz, CA
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Dana Wullenwaber, Redding, CA
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Debbie Rajcic, Riverside, CA
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Cyd Burk, Emeryville, CA
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Charles Tyler, Lincoln, CA
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David Coleman, Oakland, CA
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Erin Clarke, San Francisco, CA
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Mike Honda, Santa Ana, CA
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Rodney Hill, Grass Valley, CA
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Penny Porter, San Francisco, CA
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Karen Stephenson, San Jose, CA
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Robert Powell, Richmond, CA
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Ruth Felix, Walnut Creek, CA
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Cyndi Houck, Santa Rosa, CA
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Shannon Patty, Jurupa Valley, CA
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Anaundda Elijah, San Luis Obispo, CA
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Everett A. Vieira III, Turlock, CA
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Denise Fidel, Cardiff By The Sea, CA
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Hilary Jones, Santa Rosa, CA
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L. Diaz, San Francisco, CA
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Alys Hay, Windsor, CA
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Lynn Moreau, San Leandro, CA
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John Lancaster, Bakersfield, CA
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Kurt Maes, Reedley, CA
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Christina Stimmel, San Bruno, CA
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Alexander Fierro-Clarke, Los Angeles, CA
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P Perry, Hidden Valley Lake, CA
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Ramona Williams, Danville, CA
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Hillary Davis, Cloverdale, CA
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Bernadette Barberini, South San Francisco, CA
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Karin Schmidt, San Francisco, CA
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Christina Babst, West Hollywood, CA
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Matthew Lubs, El Segundo, CA
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Samuel Durkin, Fairfield, CA
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Jonathan Sampson, Santa Rosa, CA
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Maria Nesheim, Aptos, CA
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Marian Jelinek, Orinda, CA
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Megan Wynd, Santa Cruz, CA
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Felena Puentes, Bakersfield, CA
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Peter Reimer, Hayward, CA
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Susan Perez, San Pedro, CA
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Susannah Baxendale, Culver City, CA
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Mark Cappetta, Rancho Mirage, CA
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Francesca Rago, Pleasant Hill, CA
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Noah Tenney, Oakland, CA
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Gail Roberts, Tecate, CA
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Mimi Abers Abers, Berkeley, CA
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JACQUELINE WADDILL, Pasadena, CA
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Jennifer Tomassi, Los Angeles, CA
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Patricia Dufau, San Clemente, CA
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Rob Seltzer, Malibu, CA
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John Teevan, Chula Vista, CA
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Sheilah Fish, Moraga, CA
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Mark Lozano, San Francisco, CA
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Micki Meredith, Cazadero, CA
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Helen Cameron, Berkeley, CA
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Debbie Woods, Rohnert Park, CA
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Debra Nichols, Palmdale, CA
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Stephanie Nunez, Van Nuys, CA
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Richard Entenman, Berkeley, CA
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Walter Ramsey, Oakley, CA
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Betty Winholtz, Morro Bay, CA
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Ken Wilson, Santa Rosa, CA
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Lisa Braun Glazer, La Jolla, CA
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Koning-Bastiaan Hilda, Palm Springs, CA
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Hank Ramírez, San Diego, CA
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Linda Bresnan, Portola Valley, CA
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Greg C, Santa Ana, CA
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Daniel McKeighen, Rocklin, CA
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patricia reynolds, Irvine, CA
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Margaret P, San Jose, CA
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Stephanie Corona, Downey, CA
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Donald R. Davis, Calabasas, CA
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Judith Anderson, San Luis Obispo, CA
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Anne DeVenzio, West Hollywood, CA
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Elizabeth Rue, Healdsburg, CA
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Kurt Takara, Honolulu, HI
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Sara Fogan, Valencia, CA
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Sharon Ketcherside, Lincoln, CA
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Stuart Demmy, Auburn, CA
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Antoinette Martinez, Los Angeles, CA
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Joan Eckert, San Jose, CA
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Marcia C. Hackett, Laguna Woods, CA
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Macella O'Neill, Calistoga, CA
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Nancy Federspiel, Menlo Park, CA
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CARL LUHRING, Vista, CA
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Andy Tomsky, Escondido, CA
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Don Johnston, Davis, CA
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Alexander Vollmer, San Rafael, CA
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Fred Morrison, Hayward, CA
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Patrick Maiorana, Monterey, CA
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Sara Bakker, Denair, CA
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Margaret Hodges, Panama City Beach, FL
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Ediverto Galvez, Panorama City, CA
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Diana Zdenek, Orange, CA
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Sondra Lee, Folsom, CA
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Lisa Sparaco, San Diego, CA
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Kirsten Moy, San Leandro, CA
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Georgette Paine, Orange, CA
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Gail McMullen, Los Angeles, CA
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Cynthia Leeder, San Jose, CA
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Denise De Stefano, Los Angeles, CA
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Kristi Ko, Berkeley, CA
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Mox Ruge, Sherman Oaks, CA
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Charles Trimbach, Piedmont, CA
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Carol Weissberg, Chatsworth, CA
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Mary Simmons, Arroyo Grande, CA
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Gary and Seraphina Landgrebe, Soquel, CA
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Karen Elcaness, San Francisco, CA
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Maya Knowles, Sun City, AZ
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Victor Lopez, Los Angeles, CA
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Loretta Kane, Albany, CA
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Anita Wisch, Valencia, CA
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Jan Szostek, Fair Oaks, CA
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Lori Bates, Oxnard, CA
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Paula Aiello, Berkeley, CA
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Deborah Iannizzotto, Escondido, CA
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Karen Dega, San Francisco, CA
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Victoria Shepherd, Glendale, CA
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Alice Thigpen, Quincy, CA
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Randy Caffejian, Fresno, CA
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John Quigley, Woodland Hills, CA
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Cheryl Parkins, Oakland, CA
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Christine Johnson, Indio, CA
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Doug Scheel, Los Osos, CA
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Andrea Bonnett, Santa Maria, CA
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Agnes Gillespie MD, Placerville, CA
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Howard H. Holmes, Los Angeles, CA
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Lynn Friedman, Newport Beach, CA
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Dan And Lilly Kittredge, La Mesa, CA
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FRANCESCA BOLOGNINI, Cambria, CA
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Brett Bell, Tujunga, CA
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Bianca Molgora, San Francisco, CA
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S Hellen, Long Beach, CA
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James Sherrel, Fair Oaks, CA
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Amber Cohn, Los Angeles, CA
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Julie Ford, Seal Beach, CA
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Stacy Parr, Canoga Park, CA
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Barbara Schenk, Beverly Hills, CA
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Martin Horwitz, San Francisco, CA
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STEPHANIE REXING, San Francisco, CA
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Caroline Van Haeften, Ventura, CA
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Rebecca Overmyer-Velazquez, Whittier, CA
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Nancy Plumet, Harbor City, CA
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Francine Kubrin, Los Angeles, CA
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Alicia Jackson, Vallejo, CA
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Rick Moffat, Beverly Hills, CA
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Maureen Besancon, Nevada City, CA
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Bruce Stubbs, Carlsbad, CA
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Helen Manning-Brown, Atascadero, CA
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Olivia Howard, Trabuco Canyon, CA
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Cynthia Vigus, Laguna Niguel, CA
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Christina Ciesla, Simi Valley, CA
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Deborah Conant, Gilroy, CA
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Jacque Lefler, Sebastopol, CA
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Roger Krause, San Francisco, CA
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Jon Culbertson, San Rafael, CA
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Michael Levitt, Hercules, CA
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Karen O'Rourke, Canoga Park, CA
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Linda Webb, Rancho Palos Verdes, CA
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Kristy Pace, Tarzana, CA
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Caroline Busch, Newport Beach, CA
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Greg Thomson, Sausalito, CA
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Chad Kapusta, Vista, CA
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mushtaq Syed, Santa Clara, CA
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Myra Schegloff, Santa Monica, CA
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Jane Ariel, Oakland, CA
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Lynne Olivier, Richmond, CA
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Joan Chin, Cupertino, CA
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Allen Luke, Los Angeles, CA
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Natalia Spornik, Studio City, CA
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Brenda Thompson, La Mesa, CA
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Robert Ortiz, Novato, CA
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John Asprey, Moraga, CA
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Kelsey Helveston, Carlsbad, CA
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Shirley Shapiro, Agoura Hills, CA
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Jacqueline Carroll, Paso Robles, CA
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Tamra Schnitman, Calabasas, CA
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Ellen Wade, San Diego, CA
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Steve Gross, La Mesa, CA
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Jennifer Wilson, Valley Village, CA
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Kare M, Beverly Hills, CA
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Beth Herndobler, Altadena, CA
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Donald Vasco, Berkeley, CA
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Elizabeth Moody, San Mateo, CA
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Erin Garcia, Los Angeles, CA
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Michael Sheffield, Santa Rosa, CA
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Karen Toyohara, La Mesa, CA
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Natashja Dewolfe, San Francisco, CA
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Linda Newton, Chula Vista, CA
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S Canja, San Francisco, CA
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Jeanne Schuster, West Covina, CA
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Robert Mammon, El Sobrante, CA
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Carina Chadwick, Santa Clarita, CA
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peter goetz, Santa Rosa, CA
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Steven Nielsen, Santa Rosa, CA
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Suzanne Becket, Cupertino, CA
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Carol Lynne Eyster, Redlands, CA
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Melissa Behar, San Diego, CA
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Scott Forrest, Half Moon Bay, CA
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Oliver Yuan, Newark, CA
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Laurel Emsley, Carmel, CA
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Rick and Sharon Norlund, Durham, CA
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jeannie Pollak, Oxnard, CA
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Lois Look, Santa Rosa, CA
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barb linton, Compton, CA
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Doris Overmyer, San Rafael, CA
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James Samis, Rancho Palos Verdes, CA
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Kurt Maes, Reedley, CA
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James Kawamura, Fontana, CA
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HC Cannon, Forestville, CA
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Cathleen Schneider-Russell, Chino Hills, CA
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Rosalee Clarke, Sunnyvale, CA
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Eileen Karzen, Los Angeles, CA
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Ellen Lewis, Santa Rosa, CA
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Pamela Peck, Watsonville, CA
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Rachael Jett, Torrance, CA
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darynne jessler, Valley Village, CA
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Myra Schegloff, Santa Monica, CA
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Lily Lau-Enright, Sacramento, CA
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Michael King, San Diego, CA
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Marlene DeNardo, Walnut Creek, CA
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Lauren O'Keefe, West Sacramento, CA
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Miriam Baum, Rancho Cucamonga, CA
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Ilene Malt, San Anselmo, CA
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Anthony Stratton, Elk Grove, CA
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Sudi McCollum, Glendale, CA
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Sharon kaplan, Santa Cruz, CA
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Jim Haley, Castaic, CA
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Elizabeth Cutter, Auburn, CA
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Karen Henderson, Bakersfield, CA
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Lynne Latham, Tehachapi, CA
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Ana Facio, Sacramento, CA
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valerie santillanes, Grass Valley, CA
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francis mangels, Mount Shasta, CA
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Patricia Blevins, San Jose, CA
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John Miller, Irvine, CA
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Elizabeth Liebert, Berkeley, CA
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Linda Weiner, San Francisco, CA
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Elizabeth Davis, Davis, CA
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Lauren Appling, Penn Valley, CA
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Dorothy Sumuels, North Hollywood, CA
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Kathh OBrien, Redway, CA
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John Alexander, Oceanside, CA
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Hunter Wallof, Soulsbyville, CA
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Don Faia, Aptos, CA
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Abigail Rizzo, Chico, CA
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Lise Brooke, Felton, CA
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Liz Sigel, Tustin, CA
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Cheryl Maslin, Alameda, CA
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Severino Santiago, Santee, CA
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Pam Wright, Pasadena, CA
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Lenette Weishaar, Vallejo, CA
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Catherine Glahn, San Mateo, CA
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Linda Klein, El Segundo, CA
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Cindy Beckley, Oakland, CA
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Amanda Callaway, Carlsbad, CA
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Basey Klopp, Encinitas, CA
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Kevin Patterson, Walnut Creek, CA
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Ked Garden, Lemon Grove, CA
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Barbara Patton, Sunnyvale, CA
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Kevin Schader, Pleasant Hill, CA
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James Lounsbury, Oakland, CA
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Deborah Bevilaqua, Concord, CA
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kathleen jackson, Fairfax, CA
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Annika Miller, San Francisco, CA
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Jesse Calderon, Baldwin Park, CA
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Emmeline Craig, Bolinas, CA
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Gayle Fisher, Orange, CA
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Jean Olds, Dublin, CA
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Allan Campbell, San Jose, CA
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SIDNEY WINSTON, Los Angeles, CA
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Ann Stratten, La Mesa, CA
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Stephanie Reader, Los Altos, CA
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Carl Estes, Boulder Creek, CA
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Alicia Lutsuk, Sacramento, CA
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Dan Vasile, Dodgertown, CA
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Shannon McEntee, Palo Alto, CA
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Anthony A. WILSON, Manteca, CA
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Lois Bacon, Freedom, CA
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Gail Blumberg, Santa Cruz, CA
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Kira Durbin, Sherman Oaks, CA
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Aa Cc, Glendale, CA
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Rick Moffat, Beverly Hills, CA
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Kevin Markoe, Watsonville, CA
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Karen Carl, Corona, CA
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David Burtis, Calistoga, CA
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Dennis Landi, Bellflower, CA
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janet drew, Santa Rosa, CA
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Craig Markson, Santa Barbara, CA
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Gwendolyn Andary, Half Moon Bay, CA
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Alexa McMahan, Huntington Beach, CA
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Jodie Hulden, San Diego, CA
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Carol Drake, Fremont, CA
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David Wendt, Walnut Creek, CA
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Matthew Reid, Calistoga, CA
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Cynthia Williams, El Cajon, CA
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Laura Dufel, San Marcos, CA
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T thomas, Capitola, CA
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jo anne Kaabar, Long Beach, CA
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Miki Stokes, Ladera Ranch, CA
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marla schmalle, Oakland, CA
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Mary Ann Hills, Manteca, CA
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Misako Hill, Emeryville, CA
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Dawn Dulac, San Diego, CA
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Crystal Kent, Rio Linda, CA
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C. C. Nettles, Oakland, CA
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Ad Clayton, Vista, CA
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Birgit Hermann, San Francisco, CA
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Marisa McFarlane, San Francisco, CA
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Nina Wong, San Gabriel, CA
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Heidi Nurse, Gold River, CA
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Jim Curland, Moss Landing, CA
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Marilyn Carney, North Hollywood, CA
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GAIL BOHANNAN, Los Osos, CA
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Laura Shifley, Oakland, CA
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Cynthia Hellmuth, Benicia, CA
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Cynthia Williams, El Cerrito, CA
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Charlene Elgart, Los Angeles, CA
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Heidi Dietz, Alameda, CA
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Sara Templeton, San Francisco, CA
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Raquel Medina, San Francisco, CA
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george Marzocchi, Bolinas, CA
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Shari Riffe, Pleasant Hill, CA
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JIM STRATHDEE, Carmichael, CA
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Joy Baker, Petaluma, CA
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Harriet Miller, Redding, CA
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Birgit Hermann, San Francisco, CA
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Amanda Young, Lake Forest, CA
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Jacquelyn RIley, Fresno, CA
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Melissa Miller, West Covina, CA
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Cindy Bear, Los Angeles, CA
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LaVive Kiely, San Francisco, CA
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Stuart Greenburg, Stevenson Ranch, CA
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Julia Ivanova, Beverly Hills, CA
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Vicki bingo, Los Angeles, CA
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Erika Agnew, Los Angeles, CA
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Aaron Kenna, La Mesa, CA
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Sarah Suhich, Chatsworth, CA
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Maxine Zylberberg, San Francisco, CA
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Teresa Yrastorza, Berkeley, CA
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Everardo Flores, San Diego, CA
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Carolina Mejia, Pleasant Hill, CA
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Carol Drake, Fremont, CA
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Dan Feldman, San Francisco, CA
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Julia Nila, Chino, CA
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James Lounsbury, Oakland, CA
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Ann-Marie Murphy, Santa Rosa, CA
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Munir Azam, West Sacramento, CA
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Lauren O'Keefe, West Sacramento, CA
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Rob Lawrence, San Francisco, CA
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Kristofer Young, New York, NY
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Lucia Greenfield-Head, Sacramento, CA
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Dana Landis, Piedmont, CA
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Sofia Close, San Pablo, CA
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Bruce Hodge, Palo Alto, CA
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Jamie Trask, Mission Viejo, CA
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Bridgett Heinly, San Diego, CA
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James Rego, Fairfield, CA
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Andrea Pino, Redondo Beach, CA
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Diane Rosas, Los Angeles, CA
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Lisa Allowitz-Thompson, Tahoe Vista, CA
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Pamela Magathan, Los Angeles, CA
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Daphne Yee, Sacramento, CA
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Stephanie Proctor, Van Nuys, CA
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Rick Gaston, ,
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Shar colburn, San Diego, CA
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Christa Laib, Berkeley, CA
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Elizabeth Balvin, Escondido, CA
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Dan Wizner, Sacramento, CA
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Susan Summers, Carmichael, CA
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Janet Page, Granite Bay, CA
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Allegra Watson, San Jose, CA
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Fern Lewison-Walker, San Diego, CA
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Rev. Victoria Humphrey, Vallejo, CA
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John Cameron, Dublin, CA
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Sharon Mulgrew, Pinole, CA
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Christine Flanagan, North Hills, CA
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Arlene Van Craeynest, Novato, CA
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Kelsey Conger, Rancho Santa Fe, CA
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Meiling Albert, Fairfield, CA
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Chad Kapusta, Vista, CA
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Ruta Soltanpour, Santa Monica, CA
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Lionel Mares, Sun Valley, CA
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Jeremy Benjamin, Los Angeles, CA
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Jeffrey Johnson, Castro Valley, CA
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Birgitta Martinez, Los Angeles, CA
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Tyana Maddock, Nevada City, CA
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Sophie Aktimur, Dublin, CA
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Irene Pfeifer, Beverly Hills, CA
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Danijel Mikulja, Los Angeles, CA
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Polly O'Malley, Los Angeles, CA
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Alberto Acosta, Burbank, CA
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Daryl Gale, Los Angeles, CA
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Gina Sanfilippo, Oakland, CA
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Dawnelle Wynne, Oakland, CA
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Laura Wilkinson, Santa Barbara, CA
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dana bordegaray, Morro Bay, CA
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Larry Essman, Yucaipa, CA
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Steve Graff, Los Angeles, CA
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Stew Mayer, Carlsbad, CA
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Ruth Gravanis, San Francisco, CA
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Matthew Culmore, Windsor, CA
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John Dillard, Santa Barbara, CA
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Liz Brown, San Marcos, CA
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Usha Peddamatham, San Dimas, CA
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Bill Nelson, Santa Rosa, CA
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Rondi Saslow, Berkeley, CA
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Michele Sanderson, Walnut Creek, CA
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Charles Byrne, Naperville, IL
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Joe Houde, Vista, CA
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Alexa McMahan, Huntington Beach, CA
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Richard Spicer, Santa Ana, CA
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Richard Morrison, Greenbrae, CA
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Joanne Tenney, Escondido, CA
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Rhiannon Gillespie, El Cerrito, CA
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Denise Price, Bellingham, WA
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Michelle Santy, Moss Beach, CA
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Ern Isaacs, Berkeley, CA
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JJ Morris, Aliso Viejo, CA
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Louis Spirito, Malibu, CA
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Carol Hernandez, Ventura, CA
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Carson Yu, Hercules, CA
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Elizabeth Reyes, Orinda, CA
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Nina Mcnitzky, Estacada, OR
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Ad Clayton, Vista, CA
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claudia Mansfield, Mcminnville, OR
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Rollin Blanton, Pasadena, CA
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Chad Kapusta, Vista, CA
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Bruce Stubbs, Carlsbad, CA
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R Dene Larson Jr, San Francisco, CA
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Larry Needleman, Sebastopol, CA
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Gina Perez, West Covina, CA
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Patricia Lewis, Fresno, CA
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Linda Albarran, Highland, CA
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Olsson Krister, Los Angeles, CA
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leslie stewart, Napa, CA
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Pamela Overholtzer, Menifee, CA
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Arthur Manoogian, San Clemente, CA
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Dianne Christ, San Marcos, CA
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Barbara Jacobsen, Sonoma, CA
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Protect ALL Things WILD and WONDERFUL, San Diego, CA
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Charles Calhoun, San Francisco, CA
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Suzanne Nevins, Warner Springs, CA
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Angela Acquaviva, Canyon Country, CA
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Charles Alger, Oceanside, CA
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Dana Rosenberg, Oakland, CA
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Karin Eckelmeyer, Portola Valley, CA
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Brendan Chan, Sacramento, CA
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Ki Hani, Hayward, CA
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Helene Giese, Sacramento, CA
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Larry Carbary, San Francisco, CA
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Eva Thomas, Redwood City, CA
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Catherine Day, Eugene, OR
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Rene Voss, San Anselmo, CA
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Marilyn Bair, San Francisco, CA
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Arielle Llewellyn, Alameda, CA
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Sage Kaplan, Scotts Valley, CA
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Michelle Fletcher, Vacaville, CA
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benson hausman, West Hollywood, CA
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Naomi Sobo, San Diego, CA
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Rebecca Overmyer-Velazquez, Whittier, CA
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Andy Johnson, San Francisco, CA
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Victoria Randall, Memphis, TN
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Cynthia Fernandez, Richmond, CA
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simona vallone, Redwood City, CA
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Saroyan Humphrey, San Francisco, CA
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Chelsey Marsing, Santa Monica, CA
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Mike Cass, Novato, CA
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Claire Ackland, Marina, CA
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Ron P, Ontario, CA
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Anne Hayes, Lakeside, CA
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Linda Caruthers, Anaheim, CA
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Kathryn Marocchino, Vallejo, CA
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Giuliana Rinaldo, Burlingame, CA
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Paula Rands, Sacramento, CA
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wendy wilke, Fresno, CA
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Pamela Reed, Vallejo, CA
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Connie Loveland, Laguna Hills, CA
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Hilarey Benda, Sherman Oaks, CA
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Eloise Hill, Alameda, CA
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georgia goldfarb, Malibu, CA
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Erinn Todd, La Canada Flintridge, CA
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Allan Sklove, Benicia, CA
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Greg Sweel, Santa Monica, CA
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Anne Swanson, Campbell, CA
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Don Callahan, El Cajon, CA
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M. Laura Gulovsen, Ventura, CA
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Sally Hart, Los Gatos, CA
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Elizabeth Davis, Davis, CA
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Peter Canavan, Long Beach, CA
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francis mangels, Mount Shasta, CA
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Gilia Humrich, Forestville, CA
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Roz Cobb, Greenbrae, CA
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Patricia Vander Kamp, Victorville, CA
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Raven Davis-King, Orangevale, CA
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Susan Randerson, San Diego, CA
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Max Kaehn, Sunnyvale, CA
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Leland R. Erickson, Yreka, CA
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Severino Santiago, Santee, CA
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Valerie Norton, San Diego, CA
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Elizabeth Cutter, Auburn, CA
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May Jones, Benicia, CA
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Leslie Kowalczyk, Sonora, CA
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Marianna Zimmerman, Paso Robles, CA
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claire dudan, Walnut Creek, CA
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Sherrill Futrell, Davis, CA
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Tamara Voyles, Sebastopol, CA
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Abbie Bernstein, West Hollywood, CA
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Martin Horwitz, San Francisco, CA
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Stephanie Colet, Sherman Oaks, CA
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Joseph Wenzel, Lake Elmo, MN
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Jacquelyn Roberts, Tehachapi, CA
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Ariel Schell, Pinole, CA
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Melissa Christensen, Oakland, CA
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Elijah L., Huntington Park, CA
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Leah Wills, Taylorsville, CA
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Maxine Zylberberg, San Francisco, CA
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Steven Pardee, Oakland, CA
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Craig Oldershaw, Oakland, CA
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Lisa Canning, San Diego, CA
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Eloise Hill, Alameda, CA
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Monica Barricarte, ,
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Anna Ten, Los Angeles, CA
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Michael Friedman, El Sobrante, CA
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Angie Klein, Alameda, CA
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Martin Horwitz, San Francisco, CA
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Jane Moad, Santa Rosa, CA
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Gail Tennant, Berkeley, CA
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Dan and Lilly Kittredge, La Mesa, CA
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marcia liberson, Walnut Creek, CA
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Joseph Wenzel, Lake Elmo, MN
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James Lounsbury, Oakland, CA
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winifred hopkins, Fullerton, CA
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Lara Ingraham, Los Angeles, CA
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Winke Self, La Jolla, CA
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Peggy Luna, Pleasant Hill, CA
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Tracy Shortle, Los Alamitos, CA
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Joan Smith, Greenbrae, CA
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Teri Forester, Citrus Heights, CA
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Linda Rude, San Francisco, CA
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Dorothy McQuown, Mill Valley, CA
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Lawrence G. Dillard, San Francisco, CA
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Neal Steiner, Los Angeles, CA
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William Imhoff, Mendocino, CA
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Joan Alexander, Berkeley, CA
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Bonnie Maloney, Hawthorne, CA
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thalia lubin, Woodside, CA
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Terri Decker, Redding, CA
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Wanda Waldera, San Jose, CA
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Robin Sloan, Novato, CA
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Ryan Acebo, Oakland, CA
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Tom Nash, Rohnert Park, CA
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Sue Hall, Castro Valley, CA
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Alexis Merz, Orange, CA
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Gordon and Melissa Henry, Camarillo, CA
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Diana Rodgers, Mission Viejo, CA
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Celeste Hong, Los Angeles, CA
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Shaun Lenihan, Foster City, CA
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Loretta Madarang, Cotati, CA
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Jane Kwiatkowski, Pittsburg, CA
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re do, Beverly Hills, CA
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Mark Birnbaum, Novato, CA
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Judi Muller, Santa Barbara, CA
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Mary Lu Murphy, Pacifica, CA
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jennifer baerwald, Pope Valley, CA
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Candi Hubert, Newport Beach, CA
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Victoria Jensen, Santa Monica, CA
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Barbara Tosh, Seaside, CA
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f figus, North Hollywood, CA
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Eric Pickering, Roseville, CA
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Carlos Nunez, Reseda, CA
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M Canter, Belvedere Tiburon, CA
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Leslie Smith, Oakland, CA
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Margarita Perez, Sylmar, CA
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Mario Magpale, Palmdale, CA
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Darlene Balzan, Dublin, CA
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Kristen Beck, Monterey, CA
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Nancy Bukowski, Carmichael, CA
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Mella Trier, Berkeley, CA
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Kathy Kelly, Ventura, CA
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James Stamos, Saratoga, CA
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Gretchen Whisenand, Santa Rosa, CA
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Tracy McLarnon, Arcata, CA
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Greg Rosas, Castro Valley, CA
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S. K., Daly City, CA
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Ms Courtney, Orange, CA
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Alicia Lippman, Sacramento, CA
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Penelope Prochazka, Simi Valley, CA
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Kara Vesely, Hayward, CA
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Eileen Mitro, Ukiah, CA
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Heidi Behnke, Spring Valley, CA
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JACOB HUSKEY, Santa Cruz, CA
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Carol Schaffer, San Pablo, CA
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Mercy Sidbury, Sebastopol, CA
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Anne Barker, San Rafael, CA
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Cody Mitcheltree, Costa Mesa, CA
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jim powers, Oceanside, CA
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Helen Dickey, El Cerrito, CA
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Adene Corns, Sausalito, CA
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Nikki Nafziger, Vallejo, CA
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Michael Sarabia, Stockton, CA
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Lauren Smith, Sacramento, CA
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Isis Brenner-Ward, Ukiah, CA
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Susan McCorry, Santa Monica, CA
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Susan Trivisonno, San Jose, CA
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Alice Polesky, San Francisco, CA
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Ellen Schulz, Novato, CA
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Mike Evans, Berkeley, CA
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Jamie S, Fallbrook, CA
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Steve Lustgarden, Santa Cruz, CA
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Kristina Wunder, Topanga, CA
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Cami Lewton, Santa Rosa, CA
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Deborah Cox, Oakland, CA
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Jana Perinchief, Sacramento, CA
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Suzanne Nevins, Chimacum, WA
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Jennifer Kopczynski, Camarillo, CA
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Maureen Gomez, Monterey Park, CA
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Lisa Wenzel, Albany, CA
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Steve Wystrach, Los Angeles, CA
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roberta newman, Mill Valley, CA
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Lin Griffith, Oakland, CA
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John Rodriguez, San Jose, CA
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Patricia Day, Victorville, CA
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LAUREN SCHIFFMAN, El Cerrito, CA
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Michelle Allison, Sonora, CA
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Elizabeth Franklin, Sacramento, CA
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Carol Wiley, Victorville, CA
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Marion Barry, Loomis, CA
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Seth Picker, Diamond Springs, CA
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E.Muriel Gravina, Palo Alto, CA
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Andrew Donahue, San Francisco, CA
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Amy Longanecker, San Diego, CA
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Yasmeen Smalley-Norman, Oakland, CA
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Barry Iorio, Moreno Valley, CA
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Andre Basler, El Cerrito, CA
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Judy Wang, Campbell, CA
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Isaac Salazar, Los Angeles, CA
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Arturo Beyeler, South Lake Tahoe, CA
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William Young, San Diego, CA
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Sean Pardee, Boulder Creek, CA
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Mary Maher, Milpitas, CA
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Janet Rhodes, Temecula, CA
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Susan Gill, San Anselmo, CA
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Carey Suckow, San Francisco, CA
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Trisha Pahmeier, Vista, CA
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Donna Sharee, San Francisco, CA
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Carol Ruth, Stanford, CA
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Ken Stack, Studio City, CA
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Deborah Collodel, Malibu, CA
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Barbara Root, Santa Barbara, CA
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David Cotner, Ventura, CA
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Marilyn Hill, San Pablo, CA
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Corrie Talbot, Annapolis, CA
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Marie E. DiMassa, Long Beach, CA
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Marisa Besteiro, ,
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Cailey Ennis, El Sobrante, CA
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Carolyn Blackman, San Luis Obispo, CA
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Lavonne Gunn, Santa Fe Springs, CA
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Kathryn Bender, San Francisco, CA
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Evan McDermit, Fullerton, CA
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Gregory Hom, Oakland, CA
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Maria Bustamante, Oakley, CA
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Julie Alicea, Denair, CA
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Jana Boccalon, Auburn, CA
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Wynn Richards, Fairfax, CA
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Ali Van Zee, Fort Bragg, CA
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Joan Lewis, Castro Valley, CA
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Eliot Tigerlily, Garberville, CA
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Jimmie Yonemoto, San Jose, CA
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Nicole Slaton, Davis, CA
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Sandy Commons, Sacramento, CA
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James DiViccaro, Daly City, CA
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Amanda Love, Oakland, CA
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Saz A, Hayward, CA
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Ronald Woolford, Rocklin, CA
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Ye Shen, Daly City, CA
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Tai Stillwater, San Francisco, CA
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Michael Garitty, Nevada City, CA
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Alison Merkel, Oak Park, CA
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Susan von Schmacht, Watsonville, CA
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Ali Van Zee, Fort Bragg, CA
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Diego Gavilanes, Culver City, CA
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Pamela Perryman, South Pasadena, CA
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Reuben Alvear, San Francisco, CA
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Dàvid Seaborg, Walnut Creek, CA
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Marta Borbon, Whittier, CA
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Nancy S Spittler, Lafayette, CA
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Jillian Greenacre, Oakland, CA
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Dar Bertsch, Santa Cruz, CA
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Betty Rodriguez, Bell Gardens, CA
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Margarita Perez, Sylmar, CA
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Thomas Rogers, Chatsworth, CA
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Peter Kerr, Sacramento, CA
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Tracy Shortle, Los Alamitos, CA
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Jennifer Willis, Ventura, CA
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Felix Mbuga, Milpitas, CA
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Laelonnie Boughton, Lincoln, CA
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Steve McClelland, Oakland, CA
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Keren Carter, Brentwood, CA
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Elsbeth Kuffer, Fremont, CA
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Gina Truex, San Rafael, CA
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Cathy Capper, Novato, CA
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Carole Hughes, Corte Madera, CA
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Douglas Gillies, Goleta, CA
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stacy sharber, Chico, CA
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Beverly Cartwright, Placentia, CA
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Rita Clement, Chula Vista, CA
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Jinah Yoon, San Jose, CA
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Robin Karp, San Diego, CA
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Donna Babao, Marysville, CA
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Leslie Brandon, Tehachapi, CA
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Stacy Nisperos, Fullerton, CA
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Sylvia Aparicio, Clovis, CA
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Rosemary Jones, Atwater, CA
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Carola Detrick, San Rafael, CA
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Kian Kad, Rancho Santa Margarita, CA
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Catherine Morgan, Alameda, CA
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Erh-Yen To, Sacramento, CA
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Kate Ague, Menlo Park, CA
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M. Virginia Leslie, Milpitas, CA
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Trent Orr, San Francisco, CA
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Suzanne Nevins, Warner Springs, CA
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Chris Hastings, Arvada, CO
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Mary Elizabeth, Stockton, CA
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David Grelock-Yusem, Dillon Beach, CA
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Mario Rivas, Denver, CO
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Gwen Stone, Mission Viejo, CA
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cathie sluski, Pismo Beach, CA
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Susan McKenzie, Meadow Vista, CA
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Ramona Davis, Moraga, CA
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Kathleen Wosika, Fresno, CA
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Eric Greenberg, Modesto, CA
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David Llewellyn, Oakland, CA
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Renee Jeska, Huntington Beach, CA
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Starbear Nygard, Boulder Creek, CA
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Timothy Charles, Fremont, CA
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A S, Los Altos, CA
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Jonathan Chu, Fremont, CA
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Jill Boyle, Claremont, CA
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Ann Nitzan, Palo Alto, CA
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Jim Franzi, Fiddletown, CA
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David Arnold, Redding, CA
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S. K., Daly City, CA
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Lesley Hunt, Walnut Creek, CA
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Carol Ruth, Stanford, CA
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Vicki Wiker, San Clemente, CA
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Toni Kimball, Santa Ana, CA
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Rebecca Boyer, El Sobrante, CA
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Bill Lundeen, Fort Bragg, CA
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J. Barry Gurdin, San Francisco, CA
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Christian Elbeck, San Francisco, CA
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Ellen McCann, Fort Bragg, CA
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veronica romero, San Jose, CA
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Donald Rothberg, Berkeley, CA
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Jill Stone, Los Altos Hills, CA
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Cheryl Cook, San Pablo, CA
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Gail Stan, Oakland, CA
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Brenda Haig, Long Beach, CA
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Barbara Pflaum, San Diego, CA
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Tim LINERUD, Belmont, CA
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Jamie S, Fallbrook, CA
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sally bartow, Mercer Island, WA
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Jane mccolgan, San Clemente, CA
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Madeleine Ignon, Manchester, NH
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Patricia Baldwin, Fontana, CA
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Stacey Keller, Thousand Oaks, CA
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Roxann Schaubhut, Pope Valley, CA
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Margaret Zhou, Oakland, CA
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Mary Berrettini, Fort Bragg, CA
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John Alport, Emeryville, CA
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Leigh Castellon, Richmond, CA
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Geraldine Battistessa, Petaluma, CA
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Lawrence Kepic, Pacifica, CA
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Natalie Hernandez, Hermosa Beach, CA
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Tammy Fait, Hesperia, CA
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Allison Stillman, Ojai, CA
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David Zavala, Spring Valley, CA
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Janet maker, Los Angeles, CA
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Miguel Avila, Gilroy, CA
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Nancy McGinnis, Berkeley, CA
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Joel Eisenberg, Richmond, CA
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Jeff McKay, Corte Madera, CA
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Faye Rye, Torrance, CA
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Jack Milton, Davis, CA
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Sharon Strachan, Berkeley, CA
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Gretchen Sauer, San Leandro, CA
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Ron Schiera, San Clemente, CA
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Thomas Hernandez, Henderson, NV
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Devon Kerbow, Covington, WA
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Ryan Acebo, Oakland, CA
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Linda Shadle, Anaheim, CA
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Steve Weiss, Burbank, CA
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Bessy Carolina Mejia, Pleasant Hill, CA
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Carol Tice, Corona Del Mar, CA
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Sandra Esparza, San Dimas, CA
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Roger Pritchard, Berkeley, CA
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vicki call, Santee, CA
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Jessica Wodinsky, Los Angeles, CA
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Jessie Osborne, Oceanside, CA
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JESSICA POWELL, Fairfax, CA
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Reuben Alvear, San Francisco, CA
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Rick StJohn, San Francisco, CA
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Walter Huitema, Whittier, CA
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Steven Hibshman, Foster City, CA
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Nicholas Rulli, Los Angeles, CA
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Jennifer Ball, Escondido, CA
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Sue Kremer, Solana Beach, CA
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fred grab, Concord, CA
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Paul Macomber, Ross, CA
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Dirk Beving, Los Angeles, CA
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Nanlouise Wolfe, Santa Cruz, CA
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Lisa Ann Kelly and Family, Santa Barbara, CA
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Mark Hupf, Midlothian, VA
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Aileen Harvey, Novato, CA
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Alyson Klier, Oceanside, CA
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Anita Rees, Alameda, CA
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MARGARET MOSHER, San Francisco, CA
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Steven Weiss, Emeryville, CA
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Aimee Benedict, Richmond, CA
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Amanda Love, Oakland, CA
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Nora Lewis, Nipomo, CA
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John Lotz, Tujunga, CA
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Tai Stillwater, San Francisco, CA
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Jinah Yoon, San Jose, CA
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Christopher Lutz, Oakland, CA
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James Lindgren, Cerritos, CA
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Vanessa Warheit, El Cerrito, CA
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Katherine Wiese, Ridgefield, WA
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Derrick Terry, Los Angeles, CA
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Ruth Cruz, Pico Rivera, CA
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onni huang, Santa Monica, CA
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Devan Cotton, Lancaster, CA
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Ela Pete, San Jose, CA
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Carol Ruth, Stanford, CA
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Dita Škalic, Palm Desert, CA
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Jane Nachazel-Ruck, Los Angeles, CA
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jean rains, Oakland, CA
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Elizabeth Johnke, Oakland, CA
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Meika Beaudoin-Rousseau, Sunnyvale, CA
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Angela Clayton, Vista, CA
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Scott Mason, Martinez, CA
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Carl Sunshine, Pacifica, CA
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Beatriz Pallanes, Santa Ana, CA
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Alecto Caldwell, Oakland, CA
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Lizzie Vierra, Costa Mesa, CA
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Susan Sassoon, Santa Monica, CA
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Elaine Edell, Westlake Village, CA
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Judith Antin, Los Angeles, CA
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Linda Skorheim, Temple City, CA
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Janie Burkhart, Ben Lomond, CA
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Cynthia Lidman, Jurupa Valley, CA
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Romona Czichos-Slaughter, Hollister, CA
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JENNIFER SARFF, San Diego, CA
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Randy Gerlach, Daly City, CA
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Kristian Kelly, Sonoma, CA
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John Tansley, San Francisco, CA
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Carolyn Rosenstein, Los Angeles, CA
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John Harter, Marina, CA
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Lisa Kellman, San Francisco, CA
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Jane Lazar, Berkeley, CA
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Alice Hendrix, Orangevale, CA
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Roger Potash, Woodside, CA
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Olivia Hemming, Sacramento, CA
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Anuruddh Misra, San Francisco, CA
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molly mendez, Oakley, CA
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Tina Garner, Oceanside, CA
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Sarah Whistler, North Hollywood, CA
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Brianna Harrington, Napa, CA
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Ellen Levy, Altadena, CA
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Johanna Lindsay, Fremont, CA
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bill wood, Mount Shasta, CA
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Erica Munn, Los Angeles, CA
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Julia M Fuller, Walnut Creek, CA
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Michelle Palladine, Palm Springs, CA
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linda triplett, La Honda, CA
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Gregor Syben, Fairfax, CA
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Rochelle Losman, Oakland, CA
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ellen baer, Riverside, CA
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Scott Westbrook, San Jose, CA
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GINA COLANGELO, San Mateo, CA
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Myra Berario, Castaic, CA
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Reina Robinson, Castro Valley, CA
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Leslie Spoon, Los Osos, CA
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JOHN FERNANDES, San Leandro, CA
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Vincent Elliott, San Bruno, CA
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Aleta Wallach, Santa Monica, CA
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D R, San Diego, CA
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Frank Ortiz, Los Angeles, CA
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Barbara Whyman, Ventura, CA
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Dennis and Andrea Hopkins, Monrovia, CA
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Renee Klein, Marina Del Rey, CA
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Ron Javorsky, Long Beach, CA
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Sean Doll, Ventura, CA
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Faith Strailey, Quincy, CA
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Angela Gantos, Belvedere Tiburon, CA
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Ronald Ringler, Lake Elsinore, CA
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Brigitte Desouches, Santa Cruz, CA
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Emma Javaherian, La Mesa, CA
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Pam Clark, San Diego, CA
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Sheila Carnegie, San Rafael, CA
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Virginia Collins, San Leandro, CA
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Richard Watson, Long Beach, CA
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Adrian Fried, Novato, CA
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Rick DeGolia, Atherton, CA
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Hugh Brady, Point Arena, CA
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Sharon Marquez, Placerville, CA
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Mario E Martinez, Torrance, CA
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Linda Johnston, Roseville, CA
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Jill Guido, Los Angeles, CA
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Joel Sokolsky, Walnut Creek, CA
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Ruth Kalter, Point Reyes Station, CA
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J Senator, San Rafael, CA
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Chris Hernandez, Sun Valley, CA
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Holly Hall, Temecula, CA
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a h, Woodacre, CA
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Nancy Crakow, Lafayette, CA
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Tina Markowe, Los Angeles, CA
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lillian kocher, San Anselmo, CA
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Cynthia Johanson, Clearlake, CA
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Marla Flores-Jauregui, Sacramento, CA
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Wendy Pratt, Redondo Beach, CA
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Pela Tomasello, Santa Cruz, CA
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ralph bocchetti, Fontana, CA
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Laurie Neill, Smith River, CA
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Chris Donahoe, Mission Viejo, CA
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jennifer castner, Spring Valley, CA
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Judith Harris, Lancaster, CA
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K R, San Leandro, CA
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Donna Tobar, Irvine, CA
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Beth Goode, Los Angeles, CA
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Michele Pacheco, Upland, CA
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Marcia Flannery, Oakland, CA
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Jeanne Nourse, Sonoma, CA
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Melodie Rammer, Carmel By The Sea, CA
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Francine Karuntzos, Huntington Beach, CA
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Rachael Zerbe, Montague, CA
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Tyler FITZGERALD, Vista, CA
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Ann Anderson, Trinidad, CA
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william mora, San Francisco, CA
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Andrew Rigrod, Encino, CA
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Amy Wolfberg, Los Angeles, CA
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Suzanne P Graves, Sonoma, CA
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Patrice Wallace, Santa Cruz, CA
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Alison Bermant, Truckee, CA
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Kate Bordisso, Mill Valley, CA
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Evan Elias, San Francisco, CA
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Frank Gregory, Monterey, CA
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Allyson Finkel, Rancho Santa Margarita, CA
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Sharon Hollis, Nevada City, CA
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Robin Smedley, Rancho Cucamonga, CA
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Jon Erickson, Davis, CA
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Julian Orr, Pescadero, CA
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Jessea Greenman, Oakland, CA
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Alfa Santos, Chula Vista, CA
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Camille Stevenoot, Los Angeles, CA
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lynne weiske, Los Angeles, CA
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Jorge De Cecco, Ukiah, CA
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donye sacco, Los Angeles, CA
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Thomas Campbell, Guatay, CA
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Margee Caposella, Solana Beach, CA
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Stef van der Made, Brooklyn, NY
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Jayrill Nutt, Diamond Bar, CA
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Susanne Madden, Playa Del Rey, CA
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Jennifer Walters, Gardena, CA
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Schani Nuripour, Los Angeles, CA
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John Walton, Gualala, CA
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Steven Wallis, Carnelian Bay, CA
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Neale Miglani, Danville, CA
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Laura Bogni, Benicia, CA
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Krista Sexton, San Marcos, CA
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Lucy Hart, Encino, CA
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Linda Howie, West Hills, CA
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Patricia Seffens, Oakland, CA
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Margaret Weant-Leavitt, Cornville, AZ
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suzette Welch, Chico, CA
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Andrew Scholten, Prescott, AZ
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De'Von Johnson, San Jose, CA
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Kalpana Pot, Los Angeles, CA
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R Jeremiah Maller, Oakland, CA
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Abbott Martin, Sacramento, CA
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Karen Schortemeyer, Gualala, CA
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John Wallack, Santa Rosa, CA
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Christianna Ellingson, San Diego, CA
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Fiona Nolan, Petaluma, CA
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Shane Reardon, Concord, CA
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Megan Robbins, Bodega Bay, CA
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David Mazariegos, Folsom, CA
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Kim Ziegler, Bakersfield, CA
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Greg C, Santa Ana, CA
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Martin Riley, Corona, CA
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Mical Woldemichael, San Francisco, CA
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Peggy Ruse, El Granada, CA
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Kris Kelly, Sonoma, CA
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Kelly Lally, Los Angeles, CA
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Donna Beck, Cathedral City, CA
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Melinda Benedek, Los Angeles, CA
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Phyllis Lager, Livermore, CA
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Consuelo Valenzuela, Biggs, CA
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Charles Elliott, Hacienda Heights, CA
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Cynthia Lidman, Jurupa Valley, CA
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Philip Mertz, Walnut Creek, CA
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Nodra Crabb, Fremont, CA
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Marlene Carroll, Santa Barbara, CA
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Zoe Edington, Monterey, CA
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Simona vallone, Redwood City, CA
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Bruce Scotton, Larkspur, CA
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SANDI GORDON, La Verne, CA
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Sandi Del Real, Huntington Park, CA
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Jackie Meissenhalter, Napa, CA
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Laura Schuster, Madison, WI
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Richard Rosenthal, Los Angeles, CA
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Karen Schortemeyer, Gualala, CA
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Karen Osmundson, Watsonville, CA
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Jenny Baltes, Cambria, CA
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Cynthia Papermaster, Berkeley, CA
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Francesca Rago, Pleasant Hill, CA
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Todd Hack, Chula Vista, CA
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kathryn Reichard, Santee, CA
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Carol Matheus, Valencia, CA
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Kay Gallin, Los Angeles, CA
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Marla Armstrong, Riverside, CA
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Shari Baker, Aptos, CA
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Katarina Grabowsky, Castro Valley, CA
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Nancy Hunter, Gold River, CA
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Madeline Shapiro, Whittier, CA
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Nichelle Virzi, Kingman, AZ
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George Steinitz, Campo, CA
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Elaina Caner, Costa Mesa, CA
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Diane McKernon, Carmichael, CA
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Richard Behrman, Oakland, CA
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Theresa Horrigan, San Francisco, CA
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Terrill Maguire, Eureka, CA
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Jollee Saphier, Woodland Hills, CA
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Leo Melena, Escondido, CA
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Kathy Kosinski, Goleta, CA
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Paula Kahler, Seattle, WA
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Julene Freitas, Oakland, CA
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tamar carson, Oakland, CA
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jill koenigsdorf, Sonoma, CA
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Jean Dimler, Rancho Mission Viejo, CA
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P Perry, Hidden Valley Lake, CA
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Grace Morsberger, Claremont, CA
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Joel Franks, Fort Bragg, CA
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Warren Clark, Mammoth Lakes, CA
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Lynette K Henderson, Chatsworth, CA
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C Stanik, Royal Oaks, CA
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Janis Duncan, Ventura, CA
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spencer Koffman, Oakland, CA
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Eva Herzer, Berkeley, CA
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M M Seley, San Francisco, CA
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Suzanne Becket, Cupertino, CA
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Angela Clayton, Vista, CA
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Cristine Barsanti, Columbia, CA
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Stephen Robie, Cupertino, CA
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Carol Barrette, Alameda, CA
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Kevin Pierson, Roseville, CA
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Barbara Hockman, Mill Valley, CA
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Elizabeth Bettenhausen, Cambria, CA
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Politti Ashcraft, Redlands, CA
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Kare M, Beverly Hills, CA
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Maricela Madrid, Gilroy, CA
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Vanessa Ipsen, San Carlos, CA
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Elizabeth Gioumousis, Sunnyvale, CA
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Sarah Hearon, Santa Barbara, CA
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M Masek, Danville, CA
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lynne weiske, Los Angeles, CA
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Jack Salem, Los Angeles, CA
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Karen Kirtland, Riverside, CA
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Paul Levesque, San Diego, CA
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Corinne Greenberg, Berkeley, CA
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Steve Liebling, San Diego, CA
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Lynn Maria Minervini, Sherman Oaks, CA
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Brooke Bryant, Culver City, CA
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Mariana Rivera, Oakland, CA
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Donald Webb, Taylorsville, UT
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Yves Stilmant, South Lake Tahoe, CA
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Scott Nelson, Bethel Island, CA
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Javier Del Valle, Montebello, CA
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Elizabeth Luk, Los Angeles, CA
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Michele Schwartz, Morgan Hill, CA
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Lynne Preston, San Francisco, CA
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Roger Potash, Woodside, CA
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Joanne Sulkoske, Thousand Oaks, CA
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Greg C, Santa Ana, CA
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Alessia Cowee, Chico, CA
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Sandy Zelasko, Valley Center, CA
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Barbara Bersell, Los Angeles, CA
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Lucy Hart, Encino, CA
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Courtney Clarkson, San Francisco, CA
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Keith Tadler, Pacific Grove, CA
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Marybeth Arago, Fort Bragg, CA
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Cassandra Williams, Brawley, CA
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Iuliia Pozdina, Los Angeles, CA
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CALVIN JUNG, Burbank, CA
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JOHN FERNANDES, San Leandro, CA
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Colleen Bergh, Santa Ana, CA
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Arax Maksoudian, San Dimas, CA
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Nora Coyle, Anaheim, CA
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Adia Harrison, Oakland, CA
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Hooman Larimi, Austin, TX
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Elizabeth Lotz, Santa Rosa, CA
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Rebecca Barker, Glendora, CA
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Paul Koehler, Oakland, CA
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Jeffrey Hurwitz, San Francisco, CA
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Eileen Shahzada, Elk Grove, CA
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eileen donnelly, Santa Cruz, CA
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Tania Stappard, Thousand Oaks, CA
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Gregor Syben, Tahoe City, CA
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Gina Gehricke, Trabuco Canyon, CA
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Jennifer Hayes, Crescent City, CA
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Jorge De Cecco, Ukiah, CA
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Donald Morey, Berkeley, CA
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sandy goulart, San Jose, CA
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Barbara Berman, Pleasant Hill, CA
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Laura Finkler, Oakland, CA
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Iuliia Pozdina, Los Angeles, CA
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Juliet Pearson, Grass Valley, CA
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Bethany Babbitt, Richmond, CA
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Christopher Spinelli, Newbury Park, CA
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Lia Chung, Los Angeles, CA
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Theo LeQuesne, Oakland, CA
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jj parker, Los Angeles, CA
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Shannon Kemena, Elk Grove, CA
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Katrina Matos, Santa Rosa, CA
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amY Harrison, Murrieta, CA
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Chris Palowitch, Oakland, CA
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Marcia Flannery, Oakland, CA
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Becca Schonberg, Berkeley, CA
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bill wood, Mount Shasta, CA
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Edward Costello, Oakland, CA
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Caephren McKenna, Oakland, CA
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Celeste Murad, Rohnert Park, CA
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Lynn Morgan, Morgan Hill, CA
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Rosario Trujillo, Emeryville, CA
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