

June 30, 2022

File Number: 81MF-344750

VIA EMAIL AND U.S. MAIL

Port of Oakland
Environmental Programs and Planning Division
530 Water Street
Oakland, CA 94607
Attn: Jan Novak
Email: turningbasins@portoakland.com

Re: Notice of Preparation of a Draft Environmental Impact Report dated May 31, 2022
("NOP") - Oakland Harbor Turning Basins Widening Project ("Project")

Dear Mr. Novak:

On behalf of Bay Ship and Yacht Co. ("Bay Ship") and Alameda Commercial Properties, LLC ("ACP"), we appreciate the opportunity to offer these comments on the scope and content of the Draft EIR.

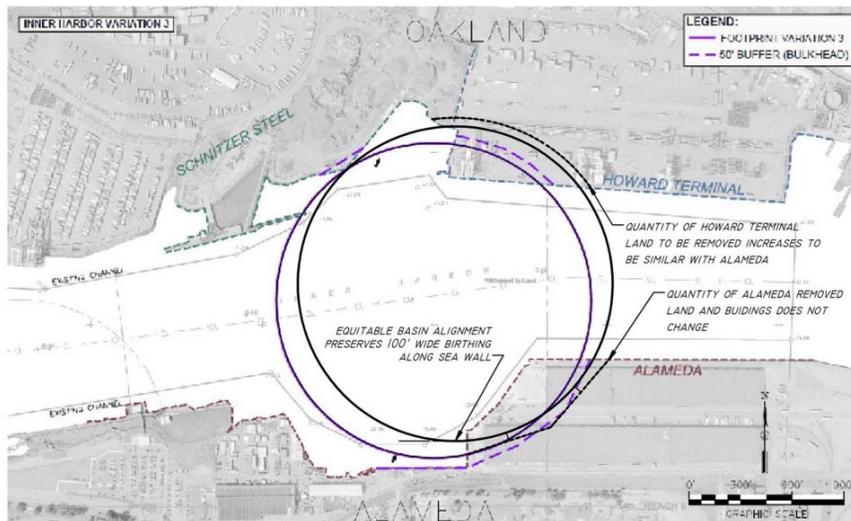
Bay Ship and ACP continue to support the Port of Oakland's (the "Port") and US Army Corps of Engineers ("Corps") efforts to maintain, modernize and improve the two turning basins for the benefit of the community, and we appreciate the Port's careful approach in proceeding with the Draft EIR. Regarding the scope and content of the Draft EIR, we offer the following comments concerning the Inner Harbor Turning Basin ("Turning Basin") portion of the Project. Our comments are largely limited to certain specifics of the Project that the EIR will study.

1. BAY SHIP IS A SIGNIFICANT CONTRIBUTOR TO THE PORT AND THE BAY AREA.

Bay Ship operates a shipyard providing a full range of refit and repair services for commercial, government and private vessels at 2900 Main Street, in Alameda, California. Its shipyard immediately adjoins the existing Turning Basin – an existing bulkhead of the Turning Basin forms the shipyard's shoreline. Bay Ship moors the vessels it is repairing to this bulkhead. (An aerial photograph of the shipyard is attached as Exhibit A.) Bay Ship employs 350-400 people. Bay Ship's operations support the missions of national defense and homeland security, water emergency preparedness, and not least, the support vessels essential to a thriving Port. Bay Ship is the only shipyard in the region with the capacity to provide 24/7 emergency service, such as in a major earthquake when bridges may be unusable. Bay Ship's tenant, Marine Express, also provides important services to Port vessels and the working waterfront. More information on Bay Ship is available at its website, www.bay-ship.com.

ACP owns a substantial portion of the shipyard's land and the submerged lands offshore beneath the Turning Basin. ACP is under common ownership with Bay Ship.

EXHIBIT B



3. THE DRAFT EIR SHOULD SPECIFICALLY IDENTIFY THE LOCATION AND TIMING OF CONSTRUCTION STAGING.

The Draft EIR should specifically identify the locations of the construction staging areas on land, their size, their parking for equipment and workers, and their duration. Also, the Draft EIR should identify the locations, duration, and timing of the staging and mooring of dredging and support vessels and equipment during construction, together with the provision that will be made for vessels transiting the Turning Basin to or from Bay Ship.

The Port's May 31, 2022 Notice of Preparation ("NOP") states that "construction staging for the IHTB improvements would occur . . . on the Alameda shoreline, immediately adjacent to excavation areas." While this provides some guidance as to the location of the staging, the precise location and timing need to be more specifically identified. This is necessary so that the affected parties, including Bay Ship and Marine Express which are on the Alameda shoreline, can identify to what extent their businesses will be impacted by this staging.

Significantly, the NOP indicates an expected construction duration of 2.5 years. Depending on the phasing and the area taken for construction staging, the Project may disrupt Bay Ship's ability to conduct its business for extended periods of time. The Project's construction could literally put Bay Ship and other Alameda companies out of business altogether if it were to interfere in a major way with their operations during construction, and thereby cost Bay Ship's 350-400 employees their jobs.

Bay Ship accordingly requests that the staging areas be in locations that will not interrupt its business operations. Bay Ship, as a supporter of the Turning Basins Project, would welcome the opportunity to work constructively and directly with the Port to reduce the construction and

Project impacts in a way that satisfies the Port's objectives. As a long-time business at its present location, Bay Ship may be able to offer suggestions, ideas, and help.

4. THE DRAFT EIR SHOULD IDENTIFY THE EXISTING BULKHEADS THAT WILL BE DEMOLISHED, THE LAND AREAS THAT WILL BE EXCAVATED AND THE NEW BULKHEADS THAT WILL BE CONSTRUCTED, AND THE DURATION AND TIMING OF EACH.

The NOP indicates that some existing bulkheads will be demolished, the land behind them excavated further inland to an undefined extent, and new bulkheads constructed further inland. (NOP, p.4, 2d para., "Other improvements would include ...") It does not say which existing bulkheads will be removed, nor what new bulkheads will be constructed. The Draft EIR should specifically identify which existing bulkheads will be demolished, the land area to be excavated behind them, the location, size, and tie backs of the new bulkheads that will replace them, and the duration and timing of the demolition, excavation, and construction. It should also identify whether these activities will in any way interfere with the business operations of Bay Ship and other Alameda shoreline businesses and identify the new bulkheads that will be constructed on the Alameda shoreline.

Bay Ship's yard has an existing bulkhead along its shoreline that faces the southern border of the existing Turning Basin. It is shown on Exhibit A. The demolition and removal of this existing bulkhead, followed by excavation behind it landward, and then construction of the new bulkhead, will permanently take a significant part of Bay Ship's fully improved shipyard. Moreover, the area required for construction will likely be greater than the area taken, since land access will probably be needed to construct these massive steel and concrete structures.

Hopefully, the northeast shift of the Turning Basin will avoid any need to remove this existing bulkhead. If so, this will provide the Corps and Port with major savings and also help the Corps' cost-benefit ratio. If, somehow, the existing bulkhead at Bay Ship is planned for demolition, Bay Ship requests that this be reconsidered and avoided if at all possible. Again, Bay Ship would welcome the opportunity to work constructively and directly with the Port and Corps to reduce the construction and Project impacts.

5. THE CORPS SHOULD ADDRESS HOW THE PROJECT WILL IMPACT LOCAL BUSINESSES.

The Corps' draft Integrated Feasibility Study and its cost-benefit ratio should include the Project's adverse impacts to local businesses such as Bay Ship, both on and off the water. The Project may disrupt Bay Ship's ability (and that of other businesses) to conduct its business for extended periods of time. This risk is particularly high during the Project's construction, when (as noted above) the Project could literally put Bay Ship and other Alameda companies out of business altogether if it were to interfere in a major way with their operations during construction.

The Integrated Feasibility Study should also include a detailed description and rendering of the widened Inner Harbor Turning Basin. Without this, it will be impossible to comprehensively

assess potential adverse impacts to local businesses such as Bay Ship or to other operations within the community. The economic impacts of the Project must be properly analyzed by the Corps, and this cannot be done without an analysis of the potential impacts on local businesses such as Bay Ship.

6. CONCLUSION.

We hope that the Port will carefully consider the above comments in the preparation of the Draft EIR and fully involve Bay Ship in future discussions, and that the Corps will consider them in its revision of its Integrated Feasibility Study. Bay Ship and ACP appreciate the Project's slight northeast shift and would welcome the opportunity to work constructively and directly with the Port to reduce the construction and Project impacts in a way that satisfies the Port's objectives.

Very truly yours,

Sean P. O'Connor

Sean P. O'Connor
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Attachments (Exhibits A & B)

cc: Alan Cameron, General Manager, Bay Ship & Yacht Co.
Justin Taschek, Senior Maritime Projects Administrator Port of Oakland

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

VARIATION 3 50' SET BACK (BULKHEAD)

VARIATION 3 SET BACK ELIMINATES COMERCIAL PIERS SPACE



Google

Marine Express



EXHIBIT B

