7/10/2025
Item No.: 2.2
CT/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-57

RESOLUTION APPROVING AND AUTHORIZING THE PORT ATTORNEY TO EXECUTE RETENTION AGREEMENTS WITH THE LAW FIRMS AND CONSULTING FIRMS DESCRIBED IN THE ATTACHED ATTACHMENT A IN CONNECTION WITH WORK DESCRIBED THEREIN AT A TOTAL INITIAL CUMULATIVE AMOUNT NOT TO EXCEED $4,176,500 FOR FISCAL YEAR 2026 SUBJECT TO ADJUSTMENT PURSUANT TO THE PORT ATTORNEY'S CONTRACTING AUTHORITY AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 2.2 dated July 10, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port Attorney has previously provided to the Board certain attorney-client communications regarding the nature of the matters needing outside counsel and related consultant legal advice in Fiscal Year 2026 and the extent of such outside advice ("Attorney-Client Information"); and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

SECTION 2. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements with **the law firms and consulting firms described in the attached Attachment A** constitute agreements for obtaining professional, technical, and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from those parties listed in **Attachment A**.

SECTION 3. The Board hereby:

A. Approves the appointment of **the law firms described in the attached Attachment A**, as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, as well as the consulting firms described in **Attachment A** to render expert assistance to the Port Attorney in connection with the matters described in **Attachment A**; the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and consultants to be made from time to time as approved by the Port Attorney, up to, but not to exceed the amounts per firm per matter as provided in the Attorney-Client Information, in the initial total cumulative amount of $4,176,500 for Fiscal Year 2026, all subject to adjustment during Fiscal Year 2026 by the Port Attorney for additional amounts or for additional firms under her contracting authority or by further Board action.

B. Authorizes the Port Attorney to execute the agreements with the law firms and consulting firms listed in **Attachment A.**

SECTION 4. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

SECTION 5. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0

ATTACHMENT A

PORT ATTORNEY'S OFFICE
OUTSIDE COUNSEL/CONSULTING FIRMS
FY2026

LAW FIRM/CONSULTING FIRM	MATTER NAMES
Anderson & Krieger LLP (Cambridge, MA)	
	Aviation Regulatory Matters/Airport Projects
Andrada & Associates (Oakland)	
	General Claims and Litigation
Best Best & Krieger (Walnut Creek)	
	General Claims and Litigation
	Municipal Law
Brown Goldstein & Levy (Baltimore, MD)	
	Title VI Compliance Counseling
Buchalter, a Professional Corporation (Orange County)	
	Litigation (including bankruptcy)
Donahue Fitzgerald (Oakland)	
	Real Estate/Leasing Advice
Duncan Weinberg, Genzer, Pembroke, P.C. (Washington, D.C.)	
	Power Utility Advice
Environmental General Counsel (Berkeley)	
	Environmental Pollution Issues
Faegre Drinker Biddle & Reath LLP (Los Angeles)	
	Benefits
Farella Braun + Martel LLP (San Francisco)	
	General Risk Management and Cost Recovery Advice
	General/Water/Sewer/Stormwater
	GASB 49 Cost Recovery Claims Against Insurance Carriers/Insurance Advice Related to Pollution Conditions
Fennemore Wendel (Oakland)	
	Litigation, Strategies & Appeals/Other Advice (including OAB)
	Construction Claims and Litigation
Goldfarb & Lipman LLP (Oakland)	
	Real Estate Advice
Goodman Neuman Hamilton LLP (San Francisco)	
	General Claims and Litigation
Hanson Bridgett (San Francisco)	
	Employment Advice

LAW FIRM/CONSULTING FIRM	MATTER NAMES
	Employment Claims/Litigation
	Copyrights/Trademarks/Intellectual Property/Technology Advice
	Public Works Contracting Advice (General)
	Ethics and other General Advice
Jenner & Block (Los Angeles)	
	Litigation
Law Office of Clare M. Gibson (Oakland)	
	Public Works Contracting Advice (General)
	Bid/Proposal Protests Advice
Law Office of Kevin M. Sheys, LLC (Sherborn, MA)	
	Railroad/Surface Transportation Board Advice
Lubin Olson & Niewiadomski LLP (San Francisco)	
	General Claims & Litigation (including Protests Advice)
Newmeyer & Dillion (Walnut Creek)	
	General Claims and Litigation
O'Melveny & Myers LLP (Los Angeles)	
	Bond/Finance Matter
Orrick Herrington & Sutcliffe (San Francisco)	
	Bond/Tax/Finance Matters
Perkins Coie LLP (San Francisco)	
	Airport Projects (including CEQA)
Ramsey Law Group (Lafayette)	
	General Commercial Collection and Litigation (Unlawful Detainers, etc.)
Ruggeri Parks Weinberg LLP (Washington, D.C.)	
	Shipping Act Advice; Terminal Leasing Efficiency Issues/Operations (Shipping Act/FMC Advice)
Safran Law PC (Alameda)	
	Aviation Regulations and Permitting
	Regulatory Issues
	Ethics/Governance/Municipal Affairs
	Port Codes, CEQA Guidelines, and Other Policy Assistance
	Regulatory Agency & Other Claims (BCDC, Corps, RWQCB, etc.)
	JLS Boardwalk
Sloan Sakai Yeung & Wong LLP (Berkeley)	
	Labor Advice
	Litigation and Employment Claims
	Fiscal Year 25-26 Negotiations (HR Budget)
Stoel Rives (San Francisco)	

LAW FIRM/CONSULTING FIRM	MATTER NAMES
	Turning Basin

Human Resources ("HR") and Office of Equal Opportunity related investigators retained by Port Attorney's Office but coded to HR's budget.
► Mary T. Roemer aka Terry Roemer, Esq. (Law Offices of Terry Roemer)
► Karen Kramer dba Kramer Workplace Investigations (Attorney)
► ARI Investigations, Inc. (Not Attorneys)
► Municipal Resource Group LLC (Attorneys)
► Prescott Law (Attorney)
► Meyers Nave (Attorney)

07/10/2025
Item No.: 4.1
CT/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-58

RESOLUTION APPROVING THE PORT OF OAKLAND'S ANNUAL OPERATING AND CAPITAL BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2026; AUTHORIZING THE PAYMENT OF OPERATING AND OTHER EXPENSES, THE PAYMENT OF DEBT SERVICE OF THE PORT FOR THE FISCAL YEAR ENDING JUNE 30, 2026; AUTHORIZING THE PAYMENT OF APPROXIMATELY $243,280,000 OF TOTAL CAPITAL EXPENDITURES, AS PROVIDED IN THE CAPITAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2026; AND AUTHORIZING FY 2025 CARRYOVER SPENDING IN FY 2026; AUTHORIZING TRANSFERS BETWEEN OPERATING AND CAPITAL BUDGETS DUE TO CHANGES IN ACCOUNTING TREATMENT; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 4.1, dated July 10, 2025 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, there has been presented to the Board a proposed Operating Budget for the Fiscal Year ending June 30, 2026 (the "FY 26 Operating Budget") and a proposed Capital Budget for the Fiscal Year ending June 30, 2026 (the "FY 26 Capital Budget") as set forth in the Budget Summary presented to the Board on July 10, 2025; now, therefore, be it,

RESOLVED, that the Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the common sense exemption under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA; and be it

FURTHER RESOLVED, that the Board hereby adopts and approves the FY 26 Operating Budget, and hereby authorizes the payment of operating expenses, interest expenses, and other expenses, and the payment of debt service of the Port as described in the Budget Summary attached as Attachment A to the Agenda Report; subject, as may be appropriate, to subsequent Board authorization of particular contracts for certain of such expenditures, as required by Port of Oakland Administrative Code, Chapter 5.12 - Purchasing, the Charter of the City of Oakland ("City Charter"),

and other requirements of the Board; and further subject, with respect to Lake Merritt and General Services payments to the City of Oakland, to the Board's determination of sufficient monies available to make such payments pursuant to applicable provisions of the City Charter, as well as receipt by the Port of sufficient documentation to make such payments; and be it

FURTHER RESOLVED, that the Board hereby adopts and approves the FY 26 Capital Budget, and hereby authorizes the payment of $243,280,000 of total capital expenses as provided in the FY 26 Capital Budget and as described in the Budget Summary; subject, as may be appropriate, to subsequent Board authorization of particular contracts for certain of such expenditures, as required by Port of Oakland Administrative Code, Chapter 5.12 - Purchasing, the City Charter, and other requirements of the Board; and be it

FURTHER RESOLVED, that the Board hereby authorizes FY 2025 carryover capital spending in FY 2026; and be it

FURTHER RESOLVED, that the Board hereby authorizes transfers between operating and capital budgets due to changes in accounting treatment; and be it

FURTHER RESOLVED, that the Board hereby directs Port staff to submit to the Board monthly variance reports with respect to the FY 26 Operating Budget and quarterly variance reports with respect to the FY 26 Capital Budget; and be it

FURTHER RESOLVED, that the Board hereby directs Port staff to file with the City Council, the City Administrator, and City Auditor a certified copy of the budget as set forth in the City Charter; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director to take all necessary and appropriate actions to carry out the above actions; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0

7/10/2025
Item No. 6.4 (1)
CLF/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-59

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT ("FINAL EIR") FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT ("PROPOSED PROJECT") AND ADOPTION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FINDINGS, MITIGATION MONITORING AND REPORTING PROGRAM, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 6.4 dated July 10, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port published a Notice of Preparation in May 2022 to analyze the Oakland Harbor Turning Basins Widening Project ("Proposed Project") through preparation of an Environmental Impact Report ("EIR") for the Proposed Project; and

WHEREAS, the Port circulated the Draft EIR for public review and comment from October 3, 2023, to December 18, 2023; and

WHEREAS, following more than three years of extensive public outreach, the Final EIR was released on June 10, 2025, and the Port's environmental determinations are further described in Exhibit A hereto; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby certifies that it has been presented with, and has reviewed and considered the information contained in, the Final EIR prior to taking action on the Proposed Project.

Section 2. The Board certifies that the Final EIR for the Proposed Project, together with the changes made by the Port after the document's publication on June 10, 2025, which are reflected in the attached CEQA Findings and Statement of Overriding Considerations Regarding the Proposed Project (Exhibit A) and the Mitigation Monitoring and Reporting Program ("MMRP") (Exhibit B), as further outlined in the Agenda Report, reflects the independent judgment of the Port.

Section 3. The Board hereby certifies that the Final EIR for the Proposed Project has been completed in compliance with CEQA.

Section 4. The Board hereby ratifies, adopts, and incorporates in this resolution, including the Board's CEQA Findings and Statement of Overriding Considerations Regarding the Proposed Project (Exhibit A) and the MMRP (Exhibit B), all the analyses, explanation, findings, responses to comments, and conclusions of the Final EIR for the Proposed Project.

Section 5. The Board directs staff to file a Notice of Determination if the Proposed Project is approved by the Board.

Section 6. This resolution shall become effective immediately upon adoption by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0

Exhibit A- CEQA Findings and Statement of Overriding Considerations For the Oakland Harbor Turning Basins Widening Project

Exhibit B- Mitigation Monitoring and Reporting Program

Exhibit A

CEQA Findings and Statement of Overriding Considerations For the Oakland Harbor Turning Basins Widening Project

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1 INTRODUCTION

In compliance with Public Resources Code (PRC) Section 21081 and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines, the Port of Oakland (Port) is required to identify significant impacts of the Proposed Project and make one or more findings for each impact in order to support or justify approval of the Proposed Project. According to CEQA Section 21081, "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project were approved or carried out unless both of the following occur:

> (a) The public agency makes one or more of the following findings with respect to each significant effect:
>
> > (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
> >
> > (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
> >
> > (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
>
> (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

Section 2 of this document describes environmental resource category impacts that were determined to be potentially significant prior to implementation of mitigation measures, but will be reduced to less-than-significant with implementation of the mitigation measures identified in the EIR. This section makes the findings required by PRC section 21081(a)(1).

Section 2 of this document also describes two categories of significant impacts that, despite the implementation of mitigation measures, would

remain significant and unavoidable.

Section 3 of this document describes the reasons the Board concludes that the Project Alternatives identified in the EIR are infeasible. This section makes the findings required by PRC section 21081(a)(3).

Section 4 of this document is the Statement of Overriding Considerations required by PRC section 21081(b).

In compliance with Section 21081.6 of the CEQA Guidelines, the Port has developed a Mitigation Monitoring and Reporting Plan (MMRP) to describe how and ensure mitigation measures identified in the EIR are implemented and assessed. The MMRP is included as Appendix J of the Final EIR and is reprinted as Attachment A to this document.

2 STATEMENT OF ENVIRONMENTAL EFFECTS AND REQUIRED FINDINGS

This section presents the description of potential effects, mitigation measures, and findings for each of the following environmental resource categories, which have been determined to have potentially significant and unavoidable impacts or less than significant impacts with mitigation incorporated:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation
- Tribal Cultural Resources

2.1 Air Quality

2.1.1 Significant and Unavoidable

2.1.1.1 Conflict with or obstruct implementation of an applicable air quality plan

The Proposed Project would conflict with some of the applicable plans and policies, specifically the Bay Area Air District's (Air District) 2017 Bay Area Clean Air Plan (CAP), the City of Alameda General Plan (although not applicable to the Proposed Project[1]), and the West Oakland

[1] If the Proposed Project is approved and the Port acquires the necessary property for the Proposed Project, the property on the island of Alameda would become the property of the

Community Action Plan (WOCAP). This is due to the estimated health impacts from construction activities exceeding applicable thresholds and targets for PM2.5 emissions.

- The Proposed Project would include applicable control measures identified in the 2017 CAP, and would support the primary goals of the 2017 CAP. However, the Proposed Project would be inconsistent with the overall goal of the 2017 CAP in protecting the health at the local scale because the construction health impacts, and NOx emissions during construction would exceed the Air District's thresholds of significance.

- The Proposed Project would conflict with the City of Alameda's General Plan related to the health risks assessment criteria outlined in HS 68 because the HRA results from Proposed Project construction would exceed the thresholds outlined in this goal, which are the same as the Air District's CEQA significance thresholds.

- The Proposed Project may be inconsistent with the DPM and PM2.5 targets outlined in WOCAP. The WOCAP did not include construction projects in the baseline or future emission scenarios. Therefore, the Proposed Project construction emissions were not compared to DPM, PM2.5, or cancer risk targets for construction because there is no comparison to make. As the WOCAP is currently understood, any contribution would be inconsistent with WOCAP's goals.

The construction air quality mitigation measure would require the use of Tier 4 final engines for landside equipment, which are some of the least polluting construction equipment engines available. Other alternative fuels and hybrid and electric construction equipment will be considered if feasible[2] at the time of the Proposed Project. The likelihood that this equipment to be available for construction is unknown and the specific emission reductions from its use are unquantified. Tier 4 final engines or better will be used for all equipment unless there is a unique and specific piece of equipment required for the Proposed Project construction that is not available as a Tier 4 engine. The feasibility of using alternatively fueled or electric equipment is also unknown because it is unknown whether the infrastructure to refuel or recharge this equipment at the construction site would be available. On-road heavy-duty trucks are required to be 2015 model year or newer. Even with implementation of construction air quality mitigation, the health impacts would remain above applicable thresholds, and therefore conflict with applicable plans. The impact

Port of Oakland and would then be subject to the regulatory authority of the Port. Following purchase, land owned by the Port would not be subject to the City of Alameda's jurisdiction. Under California's law of intergovernmental immunity, the Port's land use and permitting regulations would apply.

[2] A piece of equipment must be available through at least two commercial rental facilities in the San Francisco Bay Area Air Basin.

would be **potentially significant and unavoidable.**

MITIGATION MEASURE

MM AIR-1: Construction Air Quality Mitigation

The Port shall require 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 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 a condition of contract. An exception to the requirement for engines to meet Tier 4 final emission standards may be granted if a unique piece of equipment is not available as a Tier 4 engine. 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 in accordance with manufacturer's specifications 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.

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 ground cover 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.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential air quality impacts discussed above:

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

While the identified mitigation measures above are expected to substantially lessen the significant air quality impacts from construction, it is uncertain at this time whether all measures will be feasible (e.g., available) at the time of construction, and the measures may not completely avoid exceeding the identified emissions thresholds. The Proposed Project is expected to have significant and unavoidable air quality impacts related to conflict with or obstructing implementation of an applicable air quality plan, but those impacts are limited to the construction period.

2.1.1.2 Expose sensitive receptors to substantial pollutant concentrations

Prolonged exposure or exposure of high concentrations of criteria air pollutants can lead to health-related concerns. The Health Risk Assessment for Proposed Project construction indicates that, even with mitigation, Proposed Project construction would result in cancer risks and PM2.5 concentrations that exceed the Air District thresholds of significance. The risk drivers for the exceedances of the significance threshold are primarily related to the close proximity of planned and existing residences to the construction equipment being used for landside

work. The majority of the modeling domain shows that excess lifetime cancer risk is substantially below 10 in one million, which is the Air District CEQA significance threshold for excess lifetime cancer risks. The health impacts rapidly decrease across increased distance as residences are situated further from the construction areas. Construction air quality mitigation would reduce construction health impacts to the extent feasible. However, this would not reduce impacts to less-than-significant levels and the impact would be **potentially significant and unavoidable.**

MITIGATION MEASURE

MM AIR-1: Construction Air Quality Mitigation

See Mitigation Measure description in Section 2.1.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential air quality impacts discussed above:

> (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The Proposed Project is expected to have significant and unavoidable air quality impacts related to sensitive receptors.

2.1.1.3 *Result in a cumulatively considerable expose of sensitive people to substantial pollutant concentrations*

The communities surrounding the Proposed Project are known to have high levels of criteria pollutant emissions, cancer risk, and PM2.5 concentrations due to existing sources, including from background levels from areas outside of the local community as well as sources in the local community. This includes existing emissions from Seaport operations, major roadways, railyards and railways, trucking operations, and industrial activity such as cement mixing and metal recycling located in the local community. Even though temporary, the health impacts from the Proposed Project's construction would combine with existing health impacts and further worsen the existing impact, because it would exceed the Air District CEQA thresholds, and would therefore be considered cumulatively considerable.

Construction air quality mitigation would reduce construction health impacts to the extent feasible. However, this would not reduce impacts to less-than-significant levels and the impact would be ***potentially significant and unavoidable***.

MITIGATION MEASURE

MM AIR-1: Construction Air Quality Mitigation

See Mitigation Measure description in Section 2.1.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential air quality impacts discussed above:

> (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The Proposed Project is expected to have cumulatively significant and unavoidable air quality impacts related to sensitive receptors.

2.1.2 Less Than Significant with Mitigation Incorporated

2.1.2.1 *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard*

The Proposed Project construction emissions would be below the Air District mass emission significance threshold for all pollutants during each year of construction. Fugitive dust emission best control practices will be implemented and are included in MM AIR-1, result in impacts being less than significant. Operation emissions would not differ substantially from existing emissions and would be lower for in-water activities associated with vessel calls. There would be an increase in criteria pollutant emissions from maintenance dredging, but when combined with the in-water operation criteria pollutant emissions savings compared to the No-Project Future baseline scenario, would still result in a net decrease in criteria pollutant emissions when in-water operation and maintenance dredging are considered. Criteria pollutant impacts would be reduced to **less than significant with mitigation incorporated** with implementation of the following mitigation measure.

MITIGATION MEASURE

MM AIR-1: Construction Air Quality Mitigation

See Mitigation Measure description in Section 2.1.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential air quality impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant air quality impacts with mitigation incorporated relating to construction emission of criteria pollutants.

2.1.3 References

Refer to **Section 3.3**, **Air Quality** of the EIR for a discussion of the Proposed Project's air quality impacts.

a. Biological Resources

2.2.1 Less Than Significant with Mitigation Incorporated

2.2.1.1 *A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), or National Marine Fisheries Service (NMFS)*

Proposed Project construction impacts from the resuspension of contaminants in sediment have the potential to significantly affect special-status fish species (Green Sturgeon, steelhead [Central Valley Distinct Population Segment and Central California Coast Distinct Population Segment], Chinook Salmon [Sacramento River winter-run and Central Valley spring-run], Longfin Smelt, and Pacific Herring), and impacts from construction-related pile driving have the potential to significantly affect special-status fish, birds, and marine mammals, including the following: Green Sturgeon, steelhead, Chinook Salmon, Longfin Smelt, Pacific Herring, California least tern, American peregrine falcon, California brown pelican, Pacific harbor seal, California sea lion, and harbor porpoise. However, the impacts to these species would be reduced to ***less than significant with mitigation incorporated*** with implementation of the following mitigation measures.

MITIGATION MEASURES

MM BIO-1A: Silt Curtains

Silt curtains shall be used when dredging sediment with elevated levels of chemical contaminants, as determined through the pre-construction sediment quality characterization and as required by Project permits, or when dredging within 250 meters (or 820 feet, as determined by the pre-construction eelgrass survey) of eelgrass beds. Prior to in-water construction, a silt curtain shall be deployed from the water's edge and pushed out to the deployed location to avoid entrapping aquatic wildlife species.

MM BIO-1B: Worker Education Program

A worker education program shall be implemented for special-status fish, birds, and marine mammals that could be adversely impacted by

construction activities. The program shall include a presentation to all workers on biology, general behavior, distribution, habitat needs, sensitivity to human activities, legal protection status, and project-specific protective measures for each species. Workers shall also be provided with written materials containing this information. Written material shall be provided in different languages as needed.

MM BIO-1C: Pile-Driving-Related Measures

The following measures shall be implemented to reduce potential impacts from pile driving on special-status fish, marine mammals, and birds:

- To the extent feasible, all pilings or similar in-water structures shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving shall be conducted following the United States Army Corps of Engineers' (USACE) Proposed Additional Procedures and Criteria for Permitting Projects under a Programmatic Determination of Not Likely to Adversely Affect Select Listed Species in California.

- An impact pile driver shall only be used where necessary to complete installation of piles or in-water structures in accordance with seismic safety or other engineering criteria. If impact driving is needed for in-water pile installation, the following measures shall be implemented:

    - Prior to the start of impact pile driving, the Port, in coordination with USACE, shall prepare NMFS-approved Hydroacoustic and Biological Monitoring Plan (described above) to protect fish and marine mammals.

    - Piles driven with an impact driver shall employ a "soft start" technique to give fish an opportunity to move out of the area before full-powered impact driving begins. Only a single impact hammer would be operated at a time.

    - The impact hammer shall be cushioned using a 12 inch-thick wood cushion block during all impact hammer pile-driving operations.

    - During impact pile-driving of steel piles, a bubble curtain shall be used to attenuate underwater sound levels.

    - The Port, in coordination with USACE, shall monitor and verify sound levels during pile driving activities. The sound monitoring results would be made available to NMFS and other regulatory agencies as needed.

- A Hydroacoustic and Biological Monitoring Plan shall be prepared prior to the start of construction for review and approval by NMFS. This plan shall provide details on the methods used to monitor and

verify sound levels during pile-driving activities. The plan shall include specific measures to minimize exposure of marine mammals and fish to high sound levels, including conditions requiring construction work to temporarily stop.

- To the extent feasible, based on Project design, cost, and schedule considerations, impact pile driving shall not occur during the bird breeding season of February 1 to August 15. If impact pile driving must occur during the bird breeding season, work areas plus an appropriate buffer area determined by a qualified biologist shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. If the survey indicates the potential presence of nesting raptors or other nesting birds, an appropriately sized buffer shall be applied around the nest in which no work would be allowed until the young have successfully fledged, so that nesting birds are not disturbed by the Project activity. In general, buffer sizes of 200 feet for raptors should suffice to prevent disturbance to birds nesting in the urban environment, but the buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

  In addition, the Long Term Management Strategy program dredging work window for California least tern in the Proposed Project vicinity is August 1 through March 15 each year. If impact pile-driving activities must occur outside of this work window, the Port shall coordinate with the USACE to initiate additional consultation with USFWS to obtain written authorization to work outside this window.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential biological impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant biological resource impacts with mitigation incorporated relating to special-status species.

2.2.1.2 *A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW, USFWS, or NMFS*

No wetlands, riparian habitat, or landside sensitive natural communities are presented within or adjacent to the turning basins' widening footprints. Construction of the Proposed Project could cause direct and indirect impacts to Essential Fish Habitat (EFH) under the Pacific Coast

Groundfish, Coastal Pelagic Species, and Pacific Salmon fisheries management plans through substrate alteration, potential entrainment of fish and plankton during dredging, accidental pollutant discharges, temporary increases in turbidity from suspended sediment, resuspension of contaminants in sediment, the removal of substrates and benthic invertebrates during dredging, and underwater noise during pile driving. Additionally, portions of the Proposed Project footprint are at depths potentially suitable for eelgrass, which could result in potentially significant impacts to eelgrass habitat if this species were to establish within or closer to the proposed widening footprints prior to construction. However, potentially significant impacts to sensitive aquatic habitats would be reduced to ***less than significant with mitigation incorporated*** with the implementation the following mitigation measures.

MITIGATION MEASURES

MM BIO-1A: Silt Curtains (also MM HYD-1)

See Mitigation Measure description in Section 2.2.1.1 above.

MM BIO-1B: Pile-Driving-Related Measures

See Mitigation Measure description in Section 2.2.1.1 above.

MM BIO-2: Eelgrass Surveys

Prior to the start of any in-water construction, the Port, in coordination with USACE, shall conduct an eelgrass survey, subject to approval by NMFS and CDFW, consistent with the measures described in the NMFS October 2014 California Eelgrass Mitigation Policy and Implementation Guidelines (CEMP). The survey shall include the following:

- Before in-water construction activities occur in the marine environment, eelgrass surveys shall be conducted in the in-water work areas plus a 250 meter (820 foot) buffer, and at an appropriate reference site(s). Surveys shall take place within 60 days before the start of construction, consistent with the methods outlined in the CEMP.

- After construction, a post-action survey of the eelgrass habitat in the in-water work areas plus a 250 meter (820 foot) buffer, and at an appropriate reference site(s), shall be completed. Surveys shall take place within 30 days of completion of construction, or within the first 30 days of the next active growth period that follows completion of construction and occurs outside of the active growth period.

- Areas of direct and indirect impact shall be determined from an analysis that compares the pre-action condition of eelgrass habitat with the post-action conditions from this survey, relative to eelgrass habitat change at the reference site(s), in accordance with the methods described in the CEMP.

- If impacts to eelgrass are known to occur prior to construction, based on the preconstruction survey, or observed to occur after construction, the Port, in coordination with the USACE, shall develop a mitigation plan to achieve no net loss in eelgrass function, following the steps recommended in the CEMP. Potential mitigation options include comprehensive management plans, in-kind mitigation, mitigation banks and in-lieu-fee programs, and out-of-kind mitigation, as defined in the CEMP. If mitigation is determined necessary to offset impacts to eelgrass, the Port shall obtain CDFW authorization for the harvest and transplanting of eel grass in state waters through issuance of a Scientific Collection Permit, pursuant to Fish and Game Code Sections 1002, 1002.5, and 1003.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential biological impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant biological resource impacts with mitigation incorporated relating to sensitive aquatic habitats.

2.2.1.3 *Result in significant cumulative biological impacts when combined with reasonably foreseeable future projects in the vicinity*

Construction of the Proposed Project would result in temporary effects on aquatic wildlife and special-status species (fish, marine mammals, and birds), including temporary impacts to foraging and species health due to temporary increases in turbidity; temporary disturbance and loss of benthic and aquatic habitat; alteration of behavior due to underwater noise from pile removal and installation; and potential exposure to contaminants in resuspended sediment. Potential impacts would be minimized through compliance with existing laws, regulations, and required permits and approvals from NMFS, USFWS, the Regional Water Quality Control Board (RWQCB), and San Francisco Bay Conservation and Development Commission (BCDC). Potentially significant cumulative impacts to biological resources would be reduced to ***less than significant with mitigation incorporated*** with the implementation the following mitigation measures.

MITIGATION MEASURES

MM BIO-1A: Silt Curtains

See Mitigation Measure description in Section 2.2.1.1 above.

MM BIO-1B: Worker Education Program

See Mitigation Measure description in Section 2.2.1.1 above.

MM BIO-1C: Pile-Driving-Related Measures

See Mitigation Measure description in Section 2.2.1.1 above.

MM BIO-2: Eelgrass Surveys

See Mitigation Measure description in Section 2.2.1.2 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential biological impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant contribution to cumulative biological resource impacts with mitigation incorporated relating to biological resources.

2.2.3 References

Refer to **Section 3.4, Biological Resources** of the EIR for a discussion of the Proposed Project's biological resource impacts.

b. Cultural Resources

2.3.1 Less Than Significant with Mitigation Incorporated

2.3.1.1 *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5*

There is potential for the Proposed Project to affect previously unrecorded archaeological resources through ground-disturbing construction activities. This may cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 and is considered to be a potentially significant impact. However, the Proposed Project's impact on archaeological resources would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM CUL-2: Inadvertent/Unanticipated Archaeological Cultural Resources Discovery Protocols

If a potential archaeological resource is discovered during Project construction, the following actions shall be taken:

> *1.* Dredging and excavation work, or any other activities at the locations and within 50 feet of the finds must halt.

2. The crew member(s) shall immediately notify the Project Construction Manager and the Port Project Manager.

3. Work can be shifted to other Project areas to avoid loss of work time. However, work shall only resume in the suspected area once the situation has been properly examined and assessed by a qualified archaeologist, and the Port has given notification that work may resume.

To ensure that the work force is aware of the regulatory protections afforded to cultural resources, the potential impacts that could occur with the inadvertent discovery of previously unknown archaeological resources during Project construction, how to recognize archaeological resources, as well as the procedures to be followed in the event of such a discovery, the Port shall provide a cultural resources awareness training to the Project's prime contractor and subcontractors involved with sediment- and soil disturbing activities. The Port shall also provide a construction "ALERT" sheet for the Project prepared by a qualified archaeologist. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could potentially be encountered, as well as the procedures to be followed in the event of a potential discovery, and the contact information of those Port personnel who are to be contacted in the event of a discovery. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel. The ALERT sheet shall also be posted in a visible location at the Project site, as well as being available at any time during construction.

In the event that potential archaeological resources are inadvertently discovered during Project construction, all activity within a 50 foot radius of the find shall be stopped, the appropriate Port personnel shall be notified as listed above, and a qualified archaeologist shall be retained by the Port to examine the find. Project personnel shall not collect or move any uncovered materials whether suspected to be archaeological in nature or not. The archaeologist shall provide a preliminary evaluation of the find(s) to determine whether it meets the definition of a historical or unique archaeological resource.

If the find(s) meets the definition of a historical resource (i.e., it is California Register of Historical Resources-eligible) or unique archaeological resource under CEQA, then it shall be avoided and preserved in place (the preferred method if feasible). Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is not feasible, as determined by the Port, the qualified archaeologist shall prepare a treatment plan that includes measures to reduce impacts to the resource. The treatment plan measures may include, but need not be limited to, design changes to limit disturbance of the resource and/or data recovery.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential cultural resource impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant cultural impacts with mitigation incorporated relating to archaeological resources.

2.3.1.2 *Disturb any human remains, including those interred outside of dedicated cemeteries*

There is potential for the Proposed Project to affect previously unrecorded archaeological resources, including those containing human remains, through ground-disturbing construction activities. This may cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 and is considered to be a potentially significant impact. However, the Proposed Project's impact on human remains would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM CUL-3: Inadvertent/Unanticipated Discovery of Human Remains

In the event that human remains are inadvertently discovered during Project construction, all work shall immediately halt in accordance with Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94 and 5097.98. The Port shall also notify the Alameda County Coroner of the discovery. If the Alameda County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. If the remains are Native American, the Port shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the California Health and Safety Code. If the Port determines that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential cultural and tribal impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant cultural resource impacts with mitigation incorporated relating to human remains.

2.3.1.3 *Result in significant cumulative impacts on historical resources, including both historic architecture and archaeological resources, including those with human remains*

The potential impacts of the Proposed Project, when considered together with similar impacts from other probable future projects in the vicinity, could result in a significant cumulative impact on undiscovered archaeological resources and human remains. With implementation of following mitigation measures, the Proposed Project would not cause a substantial adverse change in the significance of a cultural resources and the impact would be ***less than significant with mitigation incorporated***.

MITIGATION

MM CUL-2: Inadvertent/Unanticipated Archaeological Cultural Resources Discovery Protocols

See Mitigation Measure description in Section 2.3.1.1 above.

MM CUL-3: Inadvertent/Unanticipated Discovery of Human Remains

See Mitigation Measure description in Section 2.3.1.2 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential cultural resource impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant contribution to cumulative cultural resource impacts with mitigation incorporated relating to archaeological resources and human remains.

2.3.2 References

Refer to **Section 3.5, Cultural Resources** of the EIR for a discussion of the Proposed Project's cultural resource impacts.

c. Energy

2.4.1 Less Than Significant with Mitigation Incorporated

2.4.1.1 *Result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation*

The Proposed Project would result in a temporary increase of energy

consumption during the construction period for worker commutes, land-based construction equipment and truck trips, and in-water equipment, including tow boats, scows, and dive boats. Electricity use for dredging could result in potentially significant effects on local and regional energy supplies and requirements for additional capacity, effects on peak and base period demands for electricity, and effects on energy resources. The Proposed Project would improve efficiency for larger vessels expected to call the port, decreasing delays associated with visits from such vessels. Such vessels are also more efficient than smaller vessels. This measure was revised to remove reference to use of diesel dredging equipment in the event of a power outage. Instead, in the event of a power outage in the local area, electric dredging will cease (without utilizing diesel dredging) until the power outage concludes. This modified mitigation measure is feasible due to the limited duration and frequency of power outages in the region, and the ability the Port to plan around such short-term disruptions in construction. As modified, this eliminates the significant and unavoidable project specific impact for cancer risk because it no longer exceeds the Bay Area Air District's (Air District) significance threshold. The Proposed Project's impact on energy resources would be less than significant with mitigation incorporated with the implementation the following mitigation measure.

MITIGATION MEASURE

MM ENE-1: Cessation of Dredging during Peak Electricity Demand Events

When an Emergency Energy Alert 3 Notice to prepare for rotating power outages is issued by the California Independent System Operator (CAISO) for the local area (e.g., Alameda, Port Area, West Oakland), the Port shall cease electric dredging activities, and shall not continue dredging activities using diesel-generation. Electric dredging activities may continue when the rotating power outages conclude.

FINDINGS

Pursuant to Section 21081 of the CPR, the following finding is made for the potential energy impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant energy impacts with mitigation incorporated relating to energy consumption.

2.4.1.2 *Result in a significant cumulative energy impact when combined with reasonably foreseeable future projects in the vicinity*

The potential impacts of the Proposed Project, when considered together with similar impacts from other probable future projects in the vicinity,

could result in a significant cumulative impact on electrical energy sources. The use of electricity might affect Port tenants' electricity supply provided by the Port based on availability of electricity supply for other operations with similar power loads, such as vessel shore power, and would affect the electricity supply of the City of Alameda. The Proposed Project's impact on energy resources would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM ENE-1: Cessation of Dredging during Peak Electricity Demand Events

See Mitigation Measure description in Section 2.4.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential energy impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant contribution to cumulative energy resource impacts with mitigation incorporated relating to energy consumption. It would improve efficiency for larger vessels expected to call the port, decreasing delays associated with visits from such vessels. Such vessels are also more efficient than smaller vessels.

2.4.2 References

Refer to **Section 3.6, Energy** of the EIR for a discussion of the Proposed Project's energy resources impacts.

d. Geology and Soils

2.5.1 Less Than Significant with Mitigation Incorporated

2.5.1.1 *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature*

Geologic units beneath the artificial fill and Bay Mud (i.e., Merritt Sand and San Antonio Formation) underlying the Proposed Project sites have the potential for containing paleontological resources. If encountered and not properly evaluated and managed, Proposed Project construction could result in a significant impact to paleontological resources. The Proposed Project's impact on paleontological resources would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM GEO-5: Inadvertent Discovery of Paleontological Resources

Before construction begins, the Port shall ensure that all construction personnel receive awareness training that includes information on the possibility of encountering fossils during construction, and proper procedures in the event fossils are encountered.

Pursuant to State CEQA Guidelines Section 15064.5(f), in the event that any paleontological resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the Port shall consult with a qualified paleontologist to assess the significance of the find. In the event of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures shall be considered unless avoidance is determined unnecessary or infeasible. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the paleontological resources are implemented. All significant paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential geology and soils impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant geology and soils impacts with mitigation incorporated relating to paleontological resources.

2.5.1.2 *Result in significant cumulative impacts to geology, soils, seismicity, or paleontological resources when combined with reasonably foreseeable future projects in the vicinity*

Similar to the Proposed Project, cumulative projects in the vicinity could have a significant impact on paleontological resources inadvertently discovered during project implementation. The Proposed Project's contribution to cumulative impacts on paleontological resources would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM GEO-5: Inadvertent Discovery of Paleontological Resources

See Mitigation Measure description in Section 2.5.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential geology and soils impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant contribution to cumulative geology and soils impacts with mitigation incorporated relating to paleontological resources.

2.5.2 References

Refer to **Section 3.7**, **Geology/Soils** of the EIR for a discussion of the Proposed Project's geology and soils, including paleontological resources, impacts.

e. Greenhouse Gas (GHG) Emissions

2.6.1 Less Than Significant with Mitigation

2.6.1.1 *Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment*

Construction emissions would occur only during construction work and would cease once work is completed. The net result of the GHG emissions generated by Proposed Project construction when offset by the total lifetime benefit of the carbon sequestration for reuse of dredged material is a net decrease of 1,598 metric tonnes CO2e. Because the order of magnitude of the carbon sequestration is uncertain and there is a delay in time between GHG emissions from construction activities and carbon sequestration offset, the Proposed Project's construction activities could result in a significant contribution to GHG emissions. The Proposed Project's construction impact on GHG emissions would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

Given operational efficiencies created by the Turning Basins improvements, operation of the Proposed Project would likely result in an overall reduction of GHG emissions when compared with expected operational scenarios. For example, in 2030, the GHG emissions from the Proposed Project in-water vessel fleet mix and calls are estimated to be 1,730 metric tonnes CO2e less than the No-Project scenario.

MITIGATION MEASURE

MM GHG-1: Construction GHG Mitigation

The Port shall require the contractor to implement construction-related GHG emission reduction measures. All requirements shall be included in applicable bid documents, purchase orders, and constructs, with the contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities. The measures to include are as follows:

- Use zero-emission and hybrid-powered equipment to the greatest extent possible. The performance criteria for meeting this standard are availability by at least two commercial rental facilities in the San Francisco Bay Area Air Basin.
- Require all on-road heavy-duty trucks to be the most stringent emissions standard as a condition of contract. This currently means a 2015 model year or newer truck.
- 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, and the Port will conduct random monthly surveys to check for compliance with idling times to ensure compliance with this measure.
- Use California Air Resources Board-approved renewable diesel fuel R99 or R100 in off-road construction equipment and on-road trucks.
- Use United States Environmental Protection Agency SmartWay-certified trucks for deliveries and equipment transport.
- Require all construction equipment be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers, and offer meal options on site or shuttles to nearby meal destinations for construction employees.
- Recycle or salvage nonhazardous construction and demolition debris.
- Develop a plan to efficiently use water for adequate dust control because substantial amounts of energy can be consumed during the pumping of water.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential GHG emission impacts discussed above:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant GHG emission impacts with mitigation incorporated relating to construction-related GHG emissions.

2.6.1.2 *Generate cumulative GHG emissions when combined with reasonably foreseeable future projects in the vicinity*

GHG emissions are, by their nature, cumulative impacts. Consequently, the cumulative analysis is the same as the discussion concerning project-level impacts. The Proposed Project's construction impact on GHG emissions would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM GHG-1: Construction GHG Mitigation

See Mitigation Measure description in Section 2.6.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential GHG emission impacts discussed above:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant contribution to cumulative GHG emission impacts with mitigation incorporated relating to construction-related GHG emission reductions.

2.6.2 References

Refer to **Section 3.8, Greenhouse Gas Emissions** of the EIR for a discussion of the Proposed Project's GHG emission impacts.

f. Hazards and Hazardous Materials

2.7.1 Less Than Significant with Mitigation

2.7.1.1 *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan*

The temporary increases in construction traffic in the immediate vicinity of the Proposed Project sites could interfere with emergency vehicle access or traffic movement in the event of an emergency evacuation, resulting in a potentially significant impact. However, the Proposed

Project's construction impact on emergency response and evacuation plans would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM TRA-1: Traffic Control Plan

See Mitigation Measure description in Transportation Section 2.10.1.1 below.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential hazards and hazardous materials impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant hazards and hazardous materials impacts with mitigation incorporated relating to traffic control and emergency response and evacuation plans.

2.7.1.2 *Result in significant cumulative hazards and hazardous materials impacts when combined with reasonably foreseeable future projects in the vicinity*

Construction for two or more projects that occur at the same time and use the same roads, including the Oakland Alameda Access Project, could cause traffic interference with emergency access, response, or evacuation, resulting in a potentially significant cumulative impact. The Proposed Project's contribution to cumulative impacts on emergency response and evacuation plans would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM TRA-1: Traffic Control Plan

See Mitigation Measure description in Transportation Section 2.10.1.1 below.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential hazard and hazardous materials impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant contribution to cumulative hazards and hazardous materials impacts with mitigation incorporated relating to traffic control and emergency response and evacuation plans.

2.7.2 References

Refer to **Section 3.9, Hazards and Hazardous Materials** of the EIR for a discussion of the Proposed Project's hazards and hazardous materials impacts.

g. Hydrology and Water Quality

2.8.1 Less Than Significant with Mitigation

2.8.1.1 *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface- or groundwater quality*

Dredging and—to a lesser degree—other in-water activities are likely to result in increases in suspended sediment and turbidity and could result in release of contaminants from disturbed sediment. These potential effects would be localized and temporary and would occur in areas with elevated ambient turbidity levels. Nonetheless, 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, which would be a potentially significant impact. The Proposed Project's construction-related water quality impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM HYD-1: Silt Curtains

See Mitigation Measure description in Biological Resources Section 2.2.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential hydrology and water quality impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have less-than-significant hydrology and water quality impacts with mitigation incorporated relating to water quality during dredging.

2.8.1.2 *Conflict with or obstruct implementation of a water quality*

control plan or sustainable groundwater management plan

Dredging—and to a lesser degree—other in-water construction activities such as pile removal and installation are likely to result in increases in suspended sediment and turbidity, and could result in release of contaminants from suspended sediment; these effects could be considered in conflict with the water quality objectives of the San Francisco Bay Basin Plan. Therefore, the Proposed Project has potential to degrade surface water quality during construction through the resuspension of contaminants and conflict with the water quality objectives of the San Francisco Bay Basin Plan, resulting in a potentially significant impact. The Proposed Project's construction-related water quality impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM HYD-1: Silt Curtains

See Mitigation Measure description in Biological Resources Section 2.2.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential hydrology and water quality impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant hydrology and water quality impacts with mitigation incorporated relating to conflict with a water quality control plan.

2.8.1.3 *Result in significant cumulative hydrology and water quality impacts when combined with reasonably foreseeable future projects in the vicinity*

The Proposed Project would include construction activities that could result in degradation of surface waters in combination with other reasonably foreseeable development projects that are located along the Oakland and Alameda waterfront, such as the Outer Harbor Wharf Modernization Project, Brooklyn Basin Marina Expansion Project and Encinal Terminals. Potentially significant cumulative water quality impacts could result from increases in turbidity (if projects are constructed concurrently), disturbance and release of contaminated sediment, or accidental release of hazardous materials such as diesel fuel from construction equipment. Significant cumulative impacts related to surface water quality degradation could also contribute to a significant cumulative impact related to conflicts with the San Francisco Bay Basin Plan. The Proposed Project's contribution to construction-

related water quality cumulative impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM HYD-1: Silt Curtains

See Mitigation Measure description in Biological Resources Section 2.2.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential hydrology and water quality impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment

The Proposed Project is expected to have a less-than-significant contribution to cumulative hydrology and water quality impacts with mitigation incorporated relating to water quality during construction.

2.8.2 References

Refer to **Section 3.10, Hydrology/Water Quality** of the EIR for a discussion of the Proposed Project's hydrology and water quality impacts.

h. Noise

2.9.1 Significant and Unavoidable

2.9.1.1 *Generate a substantial temporary or periodic increase in ambient noise levels at sensitive receptors*

The noisiest daytime activity would be land based pile driving (for landside installation of new bulkheads). For receptors in Oakland, daytime noise levels are compared to the 65 dBA construction standard that applies to construction activity occurring over 10 days or more. This standard would be exceeded at one receptor locations (Phoenix Lofts) when pile driving occurs at the northernmost extent of the Inner Harbor Turning Basin, and piles would be installed at a distance of 1,300 feet from the receptor. For receptors in Alameda, 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, the Port has applied the more conservative City of Oakland's daytime noise ordinance standards to receptors in Alameda. This standard would be exceeded at the four Alameda residential receptor locations (residences along Mitchell Avenue, Mosley Avenue, at the Landing at Bay 37, and at Barbers Point) when pile driving occurs at the southernmost extent of the Inner Harbor

Turning Basin and piles would be installed at a distance of 1,100 feet from the receptor, which would be considered a potentially significant impact. The Proposed Project's construction-related daytime noise impacts would be ***less than significant with mitigation incorporated*** with the implementation of Mitigation Measure NOI-1A: Pile Driving Noise-Reducing Techniques and Muffling Devices.

Dredging 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. For nighttime work, the City of Alameda's exterior standard for residential uses is 50 dBA; however, existing average nighttime noise levels already meet or exceed 50 dBA at all four Alameda receptor locations. Construction noise levels from nighttime dredging operations would be below existing ambient nighttime noise levels at all receptors, except for residential areas south of Mosley Avenue and planned multi-family residences at the Landing at Bay 37 in Alameda. Implementation of Mitigation Measure NOI-1B: Erection of a Temporary Noise Barrier would reduce the Proposed Project's nighttime construction noise impact on the Mosley Avenue residences by installing a noise wall between the Inner Harbor Turning Basin and the Mosley Avenue residences. For the planned Landing at Bay 37 multi-family residences, the warehouses immediately to the west are over 20 feet in height and would serve as a noise barrier for dredging activity that is not in the direct line of sight of first- and second-floor residences; this would reduce the noise level at these receptors to 50 dBA, and would avoid conflicting with the local ordinance for first- and second-floor residences. The residences at Bay 37 where the City of Alameda nighttime noise standard would be exceeded during combined operation of the dredge and tug are those 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 warehouses); 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. A noise barrier would not be feasible for third-floor residences of the Landing at Bay 37 multi-family residences or for dredging activities that would otherwise be in the direct line of sight of first- and second floor residences. Although interior noise levels would be below the City of Alameda's 45 dB Community Noise Equivalent Level standard, the exterior nighttime noise ordinance would be exceeded at these locations. Therefore, even with implementation of nighttime construction noise mitigation, the nighttime noise impacts would remain above applicable thresholds (for those exterior locations only). The impact would be ***potentially significant and unavoidable***.

MITIGATION MEASURES

MM NOI-1A: Pile Driving Noise-Reducing Techniques and Muffling Devices

The Port shall require the construction contractor to use noise-reducing pile driving techniques if conducted within 1,500 feet of receptors identified in Table 3.12-14 that could be subject to significant pile-driving noise. Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. 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. 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. 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. Publicly visible signs shall be posted with the telephone number and name of the person to contact regarding noise complaints. This person shall respond within 48 hours and take corrective action as necessary.

MM NOI-1B: Erection of a Temporary Noise Barrier

To address significant nighttime noise impacts at the Mosley 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. 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 other support; or a limp mass barrier material weighing 2 pounds per square foot. For all nighttime dredging activities, at least 14 calendar days prior, the Port, in coordination with USACE, shall notify residents within 1,000 feet of the nighttime dredging of the dates, hours, and expected duration of such activities. Publicly visible signs shall be posted with the telephone number and name of the person to contact regarding noise complaints. This person shall respond within 48 hours and take corrective action as necessary.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential noise impacts discussed above:

> 2.3.1.3.1 Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The Proposed Project is expected to have significant and unavoidable noise impacts related to substantial temporary increases in exterior ambient noise levels during nighttime dredging.

2.9.2 References

Refer to **Section 3.12, Noise** of the EIR for a discussion of the Proposed Project's noise impacts.

i. Transportation

2.10.1 Less Than Significant with Mitigation Incorporated

2.10.1.1 *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities*

Although 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, some localized effects along roadways closest to the Proposed Project construction sites in Oakland and Alameda may be expected. In particular, delivery and dump truck traffic, if not properly managed, could impact local roadway, bicycle and pedestrian circulation in Oakland and Alameda, and conflict with local plans, ordinances, or policies addressing the circulation system, resulting in a potentially significant impact. The Proposed Project's construction-related transportation impacts would be ***less than significant with mitigation incorporated*** with the implementation of the following mitigation measure.

MITIGATION MEASURE

MM TRA-1: Traffic Control Plan

The Port shall require the construction contractor, as a term of the construction contract, to develop a comprehensive construction traffic control plan (TCP) that 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.

Measures in the construction TCP would include at minimum the following:

- Site plans for ingress and egress locations showing construction staging areas, 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;

- Encourage passenger vehicle use of alternative routes (to avoid

construction traffic);

- Identification and enforcement of designated truck haul routes. Enforcement may include compliance monitoring and reporting by the contractor;

- 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);

- Posting information regarding the Project's schedule and associated truck traffic on the Project website;

- Posting publicly visible signs with the telephone number and name of the person to contact regarding constructed-related traffic complaints. This person shall respond within 48 hours and take corrective action as necessary;

- Maintenance of adequate emergency access at the Project sites and general access for neighboring properties at all times; and

- Designated construction worker parking locations and management plan (e.g., carpool/vanpool programs, and leased parking in remote/off-site parking facilities).

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential transportation impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant transportation impacts with mitigation incorporated relating to any program, plan, ordinance, and policies addressing circulation systems.

2.10.1.2 *Result in inadequate emergency access*

Construction equipment and materials would enter and exit the Proposed Project sites through existing roadways. Temporary increases in construction traffic in the immediate vicinity of the Proposed Project sites in Oakland and Alameda could interfere with emergency vehicle access, resulting in a potentially significant impact. The Proposed Project's construction-related transportation impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM TRA-1: Traffic Control Plan

See Mitigation Measure description in Section 2.10.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential transportation impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant transportation impacts with mitigation incorporated relating to traffic control planning and emergency access.

2.10.1.3 *Result in significant cumulative transportation impacts when combined with reasonably foreseeable future projects in the vicinity*

The Proposed Project would be constructed in an area that is undergoing additional construction, including housing and commercial development in Downtown Oakland as well as Alameda. Construction for two or more projects that occur at the same time and use the same roads, including the Oakland Alameda Access Project, could cause traffic congestion and interference with emergency access, resulting in a potentially significant cumulative impact. The Proposed Project's contribution to cumulative construction-related transportation impacts would be ***less than significant with mitigation incorporated*** with the implementation of the following mitigation measures.

MITIGATION

MM TRA-1: Traffic Control Plan

See Mitigation Measure description in Section 2.10.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential transportation impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have a less-than-significant contribution to cumulative transportation impacts with mitigation incorporated relating to traffic control planning and emergency access.

2.10.2 References

Refer to **Section 3.14, Transportation** of the EIR for a discussion of the Proposed Project's transportation impacts.

j. Tribal Cultural Resources

2.11.1 Less Than Significant with Mitigation Incorporated

2.11.1.1 *Have a substantial adverse effect on a tribal cultural resource, defined in Public Resources Code Section 21074*

Although unlikely, it is possible that previously unrecorded precontact archaeological resources that are considered tribal cultural resources could be inadvertently (accidentally) exposed during Proposed Project construction. If such resources were encountered, impacts to tribal cultural resources could be potentially significant. Potential construction-related tribal cultural resources impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measure.

MITIGATION MEASURE

MM TCR-1: Inadvertent/Unanticipated Tribal Cultural Resources Discovery Protocols

If tribal cultural resources or potential tribal cultural resources are discovered during Project construction, the following actions shall be taken:

1. Dredging and excavation work, or any other activities at the locations and within 50 feet of the finds must halt.

2. The crew member(s) shall immediately notify the Project Construction Manager and the Port Project Manager.

3. Work can be shifted to other Project areas to avoid loss of work time. However, work shall only resume in the suspected area once the situation has been properly examined and assessed by a qualified archaeologist, and the Port has given notification that work may resume.

To ensure that the work force is aware of the regulatory protections afforded to tribal cultural resources, the potential impacts that could occur with the inadvertent discovery of previously unknown precontact archaeological resources during Project construction, how to recognize precontact archaeological resources that could be determined to also represent tribal cultural resources, as well as the procedures to be followed in the event of such a discovery, the Port shall provide a cultural resources awareness training to the Project's prime contractor and subcontractors involved with sediment- and soil-disturbing

activities. The Port shall also provide a construction "ALERT" sheet for the Project prepared by a qualified archaeologist. The ALERT sheet shall contain, at a minimum, visuals that depict each type of precontact artifact that could potentially be encountered, as well as the procedures to be followed in the event of a potential discovery, and the contact information of those Port personnel who are to be contacted in the event of a discovery.

Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel. The ALERT sheet shall also be posted in a visible location at the Project site.

In the event that potential precontact archaeological resources are inadvertently discovered during Project construction, all activity within a 50-foot radius of the find shall be stopped, the appropriate Port personnel shall be notified as listed above, and a qualified archaeologist shall be retained by the Port to examine the find. Project personnel shall not collect or move any uncovered materials—whether suspected to be archaeological in nature or not. The archaeologist shall provide a preliminary evaluation of the find(s) to determine if a precontact archeological resources is represented; and if so, whether it meets the definition of a potential tribal cultural resource.

If the find(s) meet the definition of a potential tribal cultural resource under CEQA, then it shall be avoided and preserved in place (the preferred method if feasible). Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is not feasible, as determined by the Port, the Port will consult the appropriate tribal entities as well as the qualified archaeologist to prepare a treatment plan that includes measures to reduce impacts to the resource. The treatment plan measures may include, but need not be limited to, design changes to limit disturbance of the resource, minimizing processing of materials for reburial, minimizing handling of tribal cultural resources objects, leaving objects in place within the landscape, or returning tribal cultural resources objects to a location in the general vicinity of the Proposed Project where they will not be subject to future disturbance. Data recovery as well as the development of interpretive materials may also be deemed appropriate.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential tribal cultural resource impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have less-than-significant tribal cultural resource impacts with mitigation incorporated addressing unanticipated tribal cultural resources discovery.

2.11.1.2 *Result in significant cumulative tribal cultural resources impacts when combined with reasonably foreseeable future projects in the vicinity*

Similar to the Proposed Project, cumulative projects in the vicinity could have a significant impact on previously undiscovered precontact archaeological resources that are considered tribal cultural resources. The potential impacts of the Proposed Project, when considered together with similar impacts from other probable future projects in the vicinity, could result in a significant cumulative impact on undiscovered precontact archaeological resources that may represent tribal cultural resources. Potential Proposed Project contribution to construction-related tribal cultural resources cumulative impacts would be ***less than significant with mitigation incorporated*** with the implementation the following mitigation measures.

MITIGATION MEASURE

Inadvertent/Unanticipated Tribal Cultural Resources Discovery Protocols

See Mitigation Measure description in Section 2.11.1.1 above.

FINDINGS

Pursuant to Section 21081 of the PRC, the following finding is made for the potential tribal cultural resource impacts discussed above:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The Proposed Project is expected to have a less-than-significant contribution to cumulative tribal cultural resource impacts with mitigation incorporated addressing unanticipated tribal cultural resources discovery.

2.11.2 References

Refer to **Section 3.15, Tribal Cultural Resources** of the EIR for a discussion of the Proposed Project's tribal cultural resource impacts.

3 FINDINGS RELATED TO ALTERNATIVES

The Final EIR evaluates and compares a reasonable range of alternatives to the Proposed Project. The Board hereby finds that the following alternatives meet the requirements under State CEQA Guidelines Section 15126.6 to evaluate alternatives that are potentially feasible, would meet at least some of the project objectives, and would potentially

avoid or substantially lessen one or more of the significant environmental effects of the Proposed Project.

Alternative 1, Widening of the Inner Harbor Turning Basin Only, would involve expansion of the Inner Harbor Turning Basin as presently described as part of the Proposed Project without any improvements or modifications to the Outer Harbor Turning Basin. Alternative 1 would result in significant and unavoidable air quality impacts of the same severity as that of the Proposed Project. Alternative 1 would reduce the severity of potential impacts on energy resources compared to the Proposed Project by reducing overall demand on available power supply for electric dredging.

Alternative 1 would limit the extent to which the project would achieve project objectives for improvements to navigational efficiency, flexibility for commercial deep-draft vessels to reduce emissions at berth, conditions for vessel maneuvering and safety, and modernizing essential waterway infrastructure for the benefit of the entire Seaports, including provision of employment opportunities. Although Alternative 1 partially meets project objectives, it does not meet all project objectives.

Alternative 2, Widening of the Outer Harbor Turning Basin Only, would involve expansion of the Outer Harbor Turning Basin as presently described as part of the Proposed Project without any improvements or modifications to the Inner Harbor Turning Basin. Alternative 2 would result in significant and unavoidable air quality impacts similar to that of the Proposed Project, though the severity of these impacts would be lower for Alternative 2 compared to the Proposed Project, because the Health Risk Assessment indicates that Alternative 2 would be below the Air District threshold of significance for health risks. Because no pile-driving would occur to widen the Outer Harbor Turning Basin, the potentially significant impacts to special-status fish, birds and marine mammals from pile driving activities under the Proposed Project would not occur under Alternative 2. Alternative 2 would also reduce the severity of potential impacts on energy resources compared to the Proposed Project. Widening the Outer Harbor Turning Basin is not expected to involve removal of sediment containing elevated levels of contaminants; therefore, there would be reduced potential for dredging under Alternative 2 to increase chemical contaminant concentrations in the water column above baseline conditions resulting in violation of a water quality standard compared to the Proposed Project. Construction traffic and noise impacts under Alternative 2 would be substantially reduced compared to the Proposed Project.

Alternative 2 would limit the extent to which the project would achieve project objectives for improvements to navigational efficiency, flexibility for commercial deep-draft vessels to reduce emissions at berth, conditions for vessel maneuvering and safety, and modernizing essential waterway infrastructure for the benefit of the entire Seaports.

Although Alternative 2 partially meets project objectives, it does not meet all project objectives.

Alternative 3, Widening of the Inner Harbor Turning Basin and Outer Harbor Turning Basin with Use of Diesel-Fueled Dredges, would involve all the same improvements as the Proposed Project with the inclusion of diesel-fueled dredges instead of electric dredges. Because Alternative 3 would not require use of electricity for dredging, it would avoid the potentially significant impact on energy resources that would occur under the Proposed Project. However, Alternative 3 would increase the severity of significant and unavoidable air quality impacts compared to the Proposed Project because use of diesel dredges would increase emissions of criteria air pollutants and toxic air contaminants relative to use of electric dredges. Under Alternative 3, use of diesel dredges would result in greater GHG emissions compared to use of electric dredges under the Proposed Project. Construction noise generated during dredging activities would be greater under Alternative 3 than the Proposed Project and would also be significant and unavoidable like the Proposed Project.

Alternative 3 would meet all of the project objectives.

Alternative 4, No Project Alternative, would maintain the Inner Harbor Turning Basin and Outer Harbor Turning Basin in their existing condition with no further improvements and continued navigational inefficiencies. The No Project Alternative would not result in any of the environmental impacts associated with the Proposed Project's construction and operation and maintenance; however, the No Project Alternative would also not meet any of the Proposed Project objectives. In addition, the reduction in operational emissions that would result from implementation of the Proposed Project would not be realized under the No Project Alternative.

With respect to additional alternatives suggested by commenters that were not added to the Final EIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these alternatives.

4 STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15093 of the State CEQA Guidelines provides that where the decision of a public agency allows the occurrence of significant effects which are identified in the EIR, the agency shall state in writing specific reasons to support its action based on the EIR and/or other information in the record. This statement is referred to as a "Statement of Overriding Considerations."

The Board hereby finds and determines that the potentially significant impacts of the Proposed Project will be reduced to less than significant levels by the mitigation measures adopted by the Board, except for the remaining significant impacts described above. In light of the overriding

considerations set forth below, the Board further finds and determines that the benefits of the Proposed Project outweigh these remaining significant impacts. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Proposed Project outweigh its significant adverse environmental impacts and is an overriding consideration warranting approval:

1. Implementation of the Proposed Project would optimize transit efficiencies for commercial deep draft vessels across the entire Seaport for both the current and the projected increase in the frequency of calls to the Seaport by longer vessels, modernizing essential waterway infrastructure to fully accommodate the projected fleet mix of vessels calling the Seaport.

2. Implementation of the Proposed Project would improve conditions for vessel maneuvering and safety, including reducing environmental risk associated with existing maneuvering limitations.

3. Implementation of the Proposed Project would maintain the Port's competitiveness as the principal ocean gateway for international cargo shipments in Northern California.

4. Implementation of the Proposed Project would improve flexibility for commercial deep draft vessels calling the Seaport to connect to shore power to reduce their emissions while at berth, in alignment with the Port's vision of a zero emissions Seaport.

5. Implementation of the Proposed Project, in addition to optimizing transit efficiencies and improving the option of utilizing shore power, would contribute to overall operational efficiencies that further aid in reducing long-term operational emissions and associated environmental effects.

6. Implementation of the Proposed Project would support the economic base of the Bay Area, the East Bay Area, and the City of Oakland.

7. Implementation of the Proposed Project would provide construction jobs that would benefit communities located in the greater Oakland metropolitan area. Construction activity associated with the Proposed Project would support the local economy over the multi-year construction period due to the number of construction workers who would work on the project, anticipated spending by these workers, and the supplies of goods and services needed to support construction.

Exhibit B

Mitigation Monitoring and Reporting Program

Table J-1: Summary of Proposed Project Impacts, Mitigation Measures, and Resulting Level of Significance

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Aesthetics			
None warranted	Not applicable	Not applicable	
Air Quality			
MM AIR-1: Construction Air Quality Mitigation The Port shall require 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 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 a condition of contract. An exception to the requirement for engines to meet Tier 4 final emission standards may be granted if a unique piece of equipment is not available as a Tier 4 engine. 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).	Prior to start of construction During construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
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 in accordance with manufacturer's specifications 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			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
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. 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 ground cover appropriately until vegetation is established.			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
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.			
Biological Resources			
MM BIO-1A: Silt Curtains Silt curtains shall be used when dredging sediment with elevated levels of chemical contaminants, as determined through the pre-construction sediment quality characterization and as required by Project permits, or when dredging within 250 meters (or 820 feet, as determined by the pre-construction eelgrass survey) of eelgrass beds. Prior to in-water construction, a silt curtain shall be deployed from the water's edge and pushed out to the deployed location to avoid entrapping aquatic wildlife species.	During construction	Port	
MM BIO-1B: Worker Education Program A worker education program shall be implemented for special-status fish, birds, and marine mammals that could be adversely impacted by construction activities. The program shall include a presentation to all workers on biology, general behavior, distribution, habitat needs, sensitivity to human activities, legal protection status, and project-specific protective measures for each species. Workers shall also be provided with written materials containing this information. Written material shall be provided in different languages as needed.	Prior to start of construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
MM BIO-1C: Pile-Driving–Related Measures The following measures shall be implemented to reduce potential impacts from pile driving on special-status fish, marine mammals, and birds: • To the extent feasible, all pilings or similar in-water structures shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving shall be conducted following United States Army Corps of Engineers' (USACE) Proposed Additional Procedures and Criteria for Permitting Projects under a Programmatic Determination of Not Likely to Adversely Affect Select Listed Species in California. • An impact pile driver shall only be used where necessary to complete installation of piles or in-water structures in accordance with seismic safety or other engineering criteria. If impact driving is needed for in-water pile installation, the following measures shall be implemented: ○ Prior to the start of impact pile driving, the Port, in coordination with USACE, shall prepare National Marine Fisheries Service (NMFS)-approved Hydroacoustic and Biological Monitoring Plan (described below) to protect fish and marine mammals. ○ Piles driven with an impact driver shall employ a "soft start" technique to give fish an opportunity to move out of the area before full-powered impact driving begins. Only a single impact hammer would be operated at a time. ○ The impact hammer shall be cushioned using a 12-inch-thick wood cushion block during all impact hammer pile-driving operations. ○ During impact pile-driving of steel piles, a bubble curtain shall be used to attenuate underwater sound levels. ○ The Port, in coordination with USACE, shall monitor and verify sound levels during pile driving activities. The sound monitoring results would be made available to NMFS and other regulatory agencies as needed.	Prior to start of construction During construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
• A Hydroacoustic and Biological Monitoring Plan shall be prepared prior to the start of construction for review and approval by NMFS. This plan shall provide details on the methods used to monitor and verify sound levels during pile-driving activities. The plan shall include specific measures to minimize exposure of marine mammals and fish to high sound levels, including conditions requiring construction work to temporarily stop. • To the extent feasible, based on Project design, cost, and schedule considerations, impact pile driving shall not occur during the bird breeding season of February 1 to August 15. If impact pile driving must occur during the bird breeding season, work areas plus an appropriate buffer area determined by a qualified biologist shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. If the survey indicates the potential presence of nesting raptors or other nesting birds, an appropriately sized buffer shall be applied around the nest in which no work would be allowed until the young have successfully fledged, so that nesting birds are not disturbed by the Project activity. In general, buffer sizes of 200 feet for raptors should suffice to prevent disturbance to birds nesting in the urban environment, but the buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. In addition, the Long Term Management Strategy program dredging work window for California least tern in the Proposed Project vicinity is August 1 through March 15 each year. If impact pile-driving activities must occur outside of this work window, the Port shall coordinate with the USACE to initiate additional consultation with the United States Fish and Wildlife Service (USFWS) to obtain written authorization to work outside this window.			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
MM BIO-2: Eelgrass Surveys Prior to the start of any in-water construction, the Port, in coordination with USACE, shall conduct an eelgrass survey, subject to approval by NMFS and CDFW, consistent with the measures described in the NMFS October 2014 California Eelgrass Mitigation Policy and Implementation Guidelines (CEMP). The survey shall include the following: • Before in-water construction activities occur in the marine environment, eelgrass surveys shall be conducted in the in-water work areas plus a 250-meter (820-foot) buffer, and at an appropriate reference site(s). Surveys shall take place within 60 days before the start of construction, consistent with the methods outlined in the CEMP. • After construction, a post-action survey of the eelgrass habitat in the in-water work areas plus a 250-meter (820-foot) buffer, and at an appropriate reference site(s), shall be completed. Surveys shall take place within 30 days of completion of construction, or within the first 30 days of the next active growth period that follows completion of construction and occurs outside of the active growth period. • Areas of direct and indirect impact shall be determined from an analysis that compares the pre-action condition of eelgrass habitat with the post-action conditions from this survey, relative to eelgrass habitat change at the reference site(s), in accordance with the methods described in the CEMP. • If impacts to eelgrass are known to occur prior to construction, based on the preconstruction survey, or observed to occur after construction, the Port, in coordination with the USACE, shall develop a mitigation plan to achieve no net loss in eelgrass function, following the steps recommended in the CEMP. Potential mitigation options include comprehensive management plans, in-kind mitigation, mitigation banks and in-lieu-fee programs, and out-of-kind mitigation, as defined in the CEMP. If mitigation is determined necessary to offset impacts to eelgrass, the Port shall obtain CDFW authorization for the harvest and transplanting of eel grass in state waters through issuance of a Scientific Collection Permit, pursuant to Fish and Game Code Sections 1002, 1002.5, and 1003.	Prior to start of construction After construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Cultural Resources			
MM CUL-2: Inadvertent/Unanticipated Archaeological Cultural Resources Discovery Protocols If a potential archaeological resource is discovered during Project construction, the following actions shall be taken: 1. Dredging and excavation work, or any other activities at the locations and within 50 feet of the finds must halt. 2. The crew member(s) shall immediately notify the Project Construction Manager and the Port Project Manager. 3. Work can be shifted to other Project areas to avoid loss of work time. However, work shall only resume in the suspected area once the situation has been properly examined and assessed by a qualified archaeologist, and the Port has given notification that work may resume. To ensure that the work force is aware of the regulatory protections afforded to cultural resources, the potential impacts that could occur with the inadvertent discovery of previously unknown archaeological resources during Project construction, how to recognize archaeological resources, as well as the procedures to be followed in the event of such a discovery, the Port shall provide a cultural resources awareness training to the Project's prime contractor and subcontractors involved with sediment- and soil-disturbing activities. The Port shall also provide a construction "ALERT" sheet for the Project prepared by a qualified archaeologist. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could potentially be encountered, as well as the procedures to be followed in the event of a potential discovery, and the contact information of those Port personnel who are to be contacted in the event of a discovery. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel. The ALERT sheet shall also	Prior to start of construction During construction, if required	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
be posted in a visible location at the Project site, as well as being available at any time during construction. In the event that potential archaeological resources are inadvertently discovered during Project construction, all activity within a 50-foot radius of the find shall be stopped, the appropriate Port personnel shall be notified as listed above, and a qualified archaeologist shall be retained by the Port to examine the find. Project personnel shall not collect or move any uncovered materials whether suspected to be archaeological in nature or not. The archaeologist shall provide a preliminary evaluation of the find(s) to determine whether it meets the definition of a historical or unique archaeological resource. If the find(s) meets the definition of a historical resource (i.e., it is California Register of Historical Resources-eligible) or unique archaeological resource under CEQA, then it shall be avoided and preserved in place (the preferred method if feasible). Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is not feasible, as determined by the Port, the qualified archaeologist shall prepare a treatment plan that includes measures to reduce impacts to the resource. The treatment plan measures may include, but need not be limited to, design changes to limit disturbance of the resource and/or data recovery.			
MM CUL-3: Inadvertent/Unanticipated Discovery of Human Remains In the event that human remains are inadvertently discovered during Project construction, all work shall immediately halt in accordance with Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94 and 5097.98. The Port shall also notify the Alameda County Coroner of the discovery. If the Alameda County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of	During construction, if required	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
the remains until appropriate arrangements are made. If the remains are Native American, the Port shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the California Health and Safety Code. If the Port determines that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities.			
Energy			
MM ENE-1: Cessation of Dredging during Peak Electricity Demand Events When an Emergency Energy Alert 3 Notice to prepare for rotating power outages is issued by the California Independent System Operator (CAISO) for the local area (e.g., Alameda, Port Area, West Oakland), the Port shall cease electric dredging activities, and shall not continue dredging activities using diesel-generation. Electric dredging activities may continue when the rotating power outages conclude.	Prior to start of construction During construction, if required	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Geology/Soils			
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 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	Preconstruction engineering and design	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
○ 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). • Impose site grading requirements for soil moisture content and fill material, utility trench backfill, grade construction, or trenching and excavation.			
MM GEO-5: Inadvertent Discovery of Paleontological Resources Before construction begins, the Port shall ensure that all construction personnel receive awareness training that includes information on the possibility of encountering fossils during construction, and proper procedures in the event fossils are encountered. Pursuant to State CEQA Guidelines Section 15064.5(f), in the event that any paleontological resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the Port shall consult with a qualified paleontologist to assess the significance of the find. In the event of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures shall be considered unless avoidance is	Prior to start of construction During construction, if required	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
determined unnecessary or infeasible. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the paleontological resources are implemented. All significant paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards.			
Greenhouse Gas Emissions (GHG)			
MM GHG-1: Construction GHG Mitigation The Port shall require the contractor to implement construction-related GHG emission reduction measures. All requirements shall be included in applicable bid documents, purchase orders, and constructs, with the contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities. The measures to include are as follows: • Use zero-emission and hybrid-powered equipment to the greatest extent possible. The performance criteria for meeting this standard are availability by at least two commercial rental facilities in the San Francisco Bay Area Air Basin. • Require all on-road heavy-duty trucks to be the most stringent emissions standard as a condition of contract. This currently means a 2015 model year or newer truck. • 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, and the Port will conduct random monthly surveys to	Prior to start of construction During construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
check for compliance with idling times to ensure compliance with this measure. • Use California Air Resources Board-approved renewable diesel fuel R99 or R100 in off-road construction equipment and on-road trucks. • Use United States Environmental Protection Agency SmartWay-certified trucks for deliveries and equipment transport. • Require all construction equipment be maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers, and offer meal options on site or shuttles to nearby meal destinations for construction employees. • Recycle or salvage nonhazardous construction and demolition debris. • Develop a plan to efficiently use water for adequate dust control because substantial amounts of energy can be consumed during the pumping of water.			
Hazards and Hazardous Materials			
Refer to Transportation mitigation measure TRA-1.			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Hydrology/Water Quality			
MM HYD-1: Silt Curtains Silt curtains shall be used when dredging sediment with elevated levels of chemical contaminants, as determined through the pre-construction sediment quality characterization and as required by Project permits, or when dredging within 250 meters (or 820 feet, as determined by the pre-construction eelgrass survey) of eelgrass beds. Prior to in-water construction, a silt curtain shall be deployed from the water's edge and pushed out to the deployed location to avoid entrapping aquatic wildlife species.	During construction	Port	
Land Use/Planning			
None warranted.	Not applicable	Not applicable	
Noise			
MM NOI-1A: Pile Driving Noise-Reducing Techniques and Muffling Devices The Port shall require the construction contractor to use noise-reducing pile-driving techniques if conducted within 1,500 feet of receptors identified in Table 3.12-14 of the EIR that could be subject to significant pile-driving noise. Construction contractors shall be required to use construction equipment with state-of-the-art noise shielding and muffling devices. 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. The impact pile hammer shall be cushioned using a wood cushion block or other material sufficient to obtain an 11 A-weighted decibels (dBA) reduction for all impact hammer pile-driving operations. 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. Publicly visible signs shall be posted with the telephone number and name of the person to contact regarding noise complaints. This person shall respond within 48 hours and take corrective action as necessary.	Prior to start of construction During construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
MM NOI-1B: Erection of a Temporary Noise Barrier To address significant nighttime noise impacts at the Mosley 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. 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 other support; or a limp mass barrier material weighing 2 pounds per square foot. For all nighttime dredging activities, at least 14 calendar days prior, the Port, in coordination with USACE, shall notify residents within 1,000 feet of the nighttime dredging of the dates, hours, and expected duration of such activities. Publicly visible signs shall be posted with the telephone number and name of the person to contact regarding noise complaints. This person shall respond within 48 hours and take corrective action as necessary.	Prior to nighttime dredging in Alameda	Port	
Recreation			
None warranted	Not applicable	Not applicable	
Transportation			
MM TRA-1: Traffic Control Plan The Port shall require the construction contractor, as a term of the construction contract, to develop a comprehensive construction traffic control plan (TCP) that 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.	Prior to start of construction During construction	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Measures in the construction TCP would include at minimum the following: • Site plans for ingress and egress locations showing construction staging areas, 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; • Encourage passenger vehicle use of alternative routes (to avoid construction traffic); • Identification and enforcement of designated truck haul routes. Enforcement may include compliance monitoring and reporting by the contractor; • 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); • Posting information regarding the Project's schedule and associated truck traffic on the Project website; • Posting publicly visible signs with the telephone number and name of the person to contact regarding constructed-related traffic complaints. This person shall respond within 48 hours and take corrective action as necessary; • Maintenance of adequate emergency access at the Project sites and general access for neighboring properties at all times; and • Designated construction worker parking locations and management plan (e.g., carpool/vanpool programs, and leased parking in remote/ off-site parking facilities).			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Tribal Cultural Resources			
MM TCR-1: Inadvertent/Unanticipated Tribal Cultural Resources Discovery Protocols If tribal cultural resources or potential tribal cultural resources are discovered during Project construction, the following actions shall be taken: 1. Dredging and excavation work, or any other activities at the locations and within 50 feet of the finds must halt. 2. The crew member(s) shall immediately notify the Project Construction Manager and the Port Project Manager. 3. Work can be shifted to other Project areas to avoid loss of work time. However, work shall only resume in the suspected area once the situation has been properly examined and assessed by a qualified archaeologist, and the Port has given notification that work may resume. To ensure that the work force is aware of the regulatory protections afforded to tribal cultural resources, the potential impacts that could occur with the inadvertent discovery of previously unknown precontact archaeological resources during Project construction, how to recognize precontact archaeological resources that could be determined to also represent tribal cultural resources, as well as the procedures to be followed in the event of such a discovery, the Port shall provide a cultural resources awareness training to the Project's prime contractor and subcontractors involved with sediment- and soil-disturbing activities. The Port shall also provide a construction "ALERT" sheet for the Project prepared by a qualified archaeologist. The ALERT sheet shall contain, at a minimum, visuals that depict each type of precontact artifact that could potentially be encountered, as well as the procedures to be followed in the event of a potential discovery, and the contact information of those	Prior to start of construction During construction, if required	Port	

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Port personnel who are to be contacted in the event of a discovery. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel. The ALERT sheet shall also be posted in a visible location at the Project site. In the event that potential precontact archaeological resources are inadvertently discovered during Project construction, all activity within a 50-foot radius of the find shall be stopped, the appropriate Port personnel shall be notified as listed above, and a qualified archaeologist shall be retained by the Port to examine the find. Project personnel shall not collect or move any uncovered materials—whether suspected to be archaeological in nature or not. The archaeologist shall provide a preliminary evaluation of the find(s) to determine if a precontact archeological resources is represented; and if so, whether it meets the definition of a potential tribal cultural resource. If the find(s) meet the definition of a potential tribal cultural resource under CEQA, then it shall be avoided and preserved in place (the preferred method if feasible). Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is not feasible, as determined by the Port, the Port will consult the appropriate tribal entities as well as the qualified archaeologist to prepare a treatment plan that includes measures to reduce impacts to the resource. The treatment plan measures may include, but need not be limited to, design changes to limit disturbance of the resource, minimizing processing of materials for reburial, minimizing handling of tribal cultural resources objects, leaving objects in place within the landscape, or returning tribal cultural resources objects to a location in the general vicinity of the Proposed Project where they will not be subject to future disturbance. Data recovery as well as the development of interpretive materials may also be deemed appropriate.			

Mitigation Measure	Mitigation Monitoring Timing	Responsible Monitoring Entity	Verification and Compliance Notes
Utilities/Service Systems			
None warranted	Not applicable	Not applicable	

Notes:

CEMP = California Eelgrass Mitigation Policy and Implementation Guidelines
CEQA = California Environmental Quality Act
dBA = A-weighted decibels
GHG = greenhouse gas
MM = Mitigation Measure
NMFS = National Marine Fisheries Service
Port = Port of Oakland
TCP = traffic control plan
USACE = United States Army Corps of Engineers
USFWS = United States Fish and Wildlife Service

7/10/2025
Item No.: 6.4 (2)
CLF/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-60

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) AWARD AND EXECUTE A CONTRACT WITH ESTATE DESIGN AND CONSTRUCTION FOR THE TURNING BASINS WIDENING HOWARD TERMINAL WHARF DEMOLITION PHASE 1 AS PROJECT COMPONENTS OF THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT IN AN AMOUNT NOT TO EXCEED $397,450 AND (2) EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN AN AMOUNT NOT TO EXCEED $180,000; AND FINDING THAT THE PROPOSED ACTION COMPLIES WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS IT WAS ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT (STATE CLEARINGHOUSE NO. 2022050647).

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated July 10, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon these matters, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that:

A. The proposed action complies with the California Environmental Quality Act ("CEQA") as it was analyzed in the Final Environmental Impact Report for the Oakland Harbor Turning Basins Widening Project (State Clearinghouse No. 2022050647), as certified by the Board on even date herewith.

B. The proposed action is for the performance of general services by contract that are in the public interest because of economy or better performance and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

Section 2. The Board hereby approves the following concerning the demolition of a mooring dolphin that is connected to Howard Terminal wharf ("Project"):

A. Award of a contract ("Contract") for the Project to ("Contractor"), the lowest responsible responsive bidder, in a total amount not to exceed $397,450.

B. Authorization of a maximum of $180,000 in change order authority to be used only to the extent necessary and subject to the approval of the Executive Director ("Executive Director") of the Port.

Section 3. The Board hereby approves and authorizes the Executive Director to:

A. Finally resolve bid protests pursuant to Chapter 5.12 of the Port of Oakland Administrative Code.

B. Execute the Contract with Contractor in a total amount not to exceed $397,450.

C. Execute change orders to the Contract, to the extent necessary, in an amount not to exceed $180,000.

D. Make any additions, modifications, or corrections necessary to execute the requested actions, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 4. The Board further finds that:

A. The Director of Engineering, the Chief Engineer, and the Principal Engineer are each authorized to approve the project manual and plans for each instance of work performed under the Contract in advance of construction, pursuant to Government Code Section 830.6.

B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the Contract price shall be provided by Contractor as prescribed by applicable laws and regulations and the Contract specifications.

C. The procedure prescribed by applicable laws, regulations, and the Contract specifications shall be taken for the execution of said contract.

Section 5. This resolution is not evidence of and does not create or constitute: (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective contract.

Section 6. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0

7/10/2025
Item No.: 6.4 (3)
CLF/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-61

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH U.S. ARMY ENGINEER RESEARCH AND DEVELOPMENT CENTER FOR A PRE-CONSTRUCTION ENGINEERING AND DESIGN VESSEL MANEUVERING SIMULATION FOR A PERIOD OF UP TO TWO (2) YEARS AND IN AN AMOUNT NOT TO EXCEED $500,000, FINDING THAT THE PROPOSED ACTION COMPLIES WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS IT WAS ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND HARBOR TURNING BASINS WIDENING PROJECT (STATE CLEARINGHOUSE NO. 2022050647).

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated July 10, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Board approved execution of an In-Kind Memorandum of Understanding with the U.S. Army Corps of Engineers ("USACE") that provides for the Port to receive credit for value of services conducted by the Port in support of the Oakland Harbor Turning Basins Project ("MOU");

WHEREAS, the MOU contemplated in particular credit for services pertaining the design work to be conducted for the Oakland Harbor Turning Basins Project in the event the Oakland Harbor Turning Basins Project Final Environmental Impact Report for the Oakland Harbor Turning Basins Widening Project ("Final EIR") was certified;

WHEREAS, the Final EIR was certified by the Board of even date herewith and the Port desires to enter into an agreement with the U.S. Army Engineer Research and Development Center for the design work contemplated in the MOU;

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board finds and determines that the proposed action complies with the California Environmental Quality Act ("CEQA") as it was analyzed in the Final Environmental Impact Report for the Oakland Harbor Turning Basins Widening Project (State Clearinghouse No. 2022050647), as certified by the Board on even date herewith.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Enter into an agreement with U.S. Army Engineer Research and Development Center ("ERDC") for Pre-construction Engineering and Design Vessel Maneuvering Simulation for a period of up to two (2) years and in an amount not to exceed $500,000, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Enter into any agreements or make any additions, modifications, or corrections necessary to implement the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 3. This resolution is not evidence of and does not create or constitute: (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

Section 4. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0

7/10/2025
Item No.: 9.1
MCR/pcm

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION NO. 25-62

RESOLUTION DECLARING ELECTION OF OFFICERS OF THE BOARD OF PORT COMMISSIONERS.

RESOLVED that after an election of officers of this Board of Port Commissioners ("Board") held pursuant to its By-Laws and Administrative Rules, at the special meeting of July 10, 2025, the following officers to wit:

Andreas Cluver	President
Jahmese Myres	First Vice President
Barbara Leslie	Second Vice President

hereby are declared to have been and are duly elected to serve in the capacities indicated, effective July 10, 2025, and until their successors are elected by the Board.

At the Regular Meeting held on July 10, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno – 6
Noes: – 0