



**Notice Of Intent to Adopt a Mitigated Negative Declaration for the  
OUTER HARBOR WHARF MODERNIZATION PROJECT  
DRAFT Initial Study / Mitigated Negative Declaration (IS/MND)  
(State Clearinghouse No. 2025\_\_\_\_\_)**

- 1. Project Title:** Outer Harbor Wharf Modernization Project
- 2. Property Owner:** Port of Oakland (Port)
- 3. Contact Person:** Elizabeth Nagle, Environmental Programs and Planning, Port of Oakland, [enagle@portoakland.com](mailto:enagle@portoakland.com), 510-627-1222
- 4. Project Location:** Port of Oakland Outer Harbor, Berths 22 to 28, 2340 7th Street, Oakland, CA 94606.
- 5. Project Applicant:** The Port is the lead agency for preparation of the Draft Initial Study / Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for construction of the Outer Harbor Wharf Modernization Project.
- 6. Project Description:** The Port proposes to modernize aging wharf infrastructure at Berths 22-38 fronting the Port's Outer Harbor Channel. The modernization will enable efficient berthing, mooring, and servicing of existing and future vessels calling at the Port and will allow for flexibility with berthing locations. Specific components will include improving bollards, fenders, crane rail girders and rails; modernizing a curved rail to enable connection between two linear wharf segments that are at angle; electrical upgrades at select berths; installing a floating dock at Berth 34 to enable docking of support vessels such as tugboats or emissions capture and control barges; and general repair needed due to deferred maintenance on wharf structures. The modernization of certain crane rail girders will involve the in-water placement of new or replacement support piles. Phasing of the project's construction would generally occur as funding becomes available for each component.

**Potential Environmental Impact:**

The Port has determined that the project analyzed in the attached Draft Initial Study/Mitigated Negative Declaration will not have significant effects on the environment with the implementation of mitigation measures, and the Port intends to adopt a Mitigated Negative Declaration. The Draft Initial Study/Mitigated Negative Declaration and all documents referenced will be available online at:

<https://www.portoakland.com/business/bids-rfp-center/environmental-stewardship-publications-documents/>

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## **Mitigation Measures Included in the Project to Reduce Potentially Significant Effects to Biological Resources to a Less-than-Significant Level**

**Mitigation Measure BIO-1: *Worker Environmental Awareness Training.*** A worker environmental awareness training program shall be implemented for special-status fish, nesting 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.

**Mitigation Measure BIO-2: *Seasonal Avoidance of Sensitive Species.*** In-water work will be conducted during the seasonal work window of June 15 through November 30 to reduce potential impacts on special-status species (USACE 2024).

**Mitigation Measure BIO-3: *Pile Driving.*** During pile installation activities, the following protection criteria will be implemented:

- A National Marine Fisheries Service (NMFS)-approved sound monitoring plan shall be developed prior to the start of pile driving. This plan shall provide details on the methods used to monitor and verify sound levels during pile driving activities. The sound monitoring results shall be made available to NMFS.
- Vibratory pile driving shall be conducted following the U.S. Army Corps of Engineers (USACE) "Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California" (USACE 2024). U.S. Fish and Wildlife Service (USFWS) and NMFS completed Section 7 consultation on this document which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.
- Vibratory pile driving will be used to the greatest extent feasible. In the event that an impact hammer would be required, a "soft start" technique to impact hammer pile driving shall be implemented, at the start of each work day or after a break in impact hammer driving of 30 minutes or more, to give fish and marine mammals an opportunity to vacate the area.
- During the use of an impact hammer, a bubble curtain, 12" thick wooden cushion block, or other sound attenuation method may be utilized to reduce sound levels. If NMFS sound level criteria are still exceeded with the use of attenuation methods, the contractor shall revise sound attenuation methods as per the approved sound monitoring plan. A NMFS-approved biological monitor shall be available to conduct surveys before and during impact pile driving as specified by NMFS. The monitor shall inspect the established work zone and adjacent Bay waters and document the following during impact pile-driving:
  - Maintain the safety zones established in the sound monitoring plan around sound source, for the protection of marine mammals in association with sound monitoring station distances.
  - Halt work activities when a marine mammal enters the Level A<sup>1</sup> safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes.

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<sup>1</sup> Defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.

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- Maintain sound levels below 90 dBA in air when pinnipeds (seals and sea lions) are present (USACE 2018).

**Mitigation Measure BIO-4:** *Minimization of Shading from Over-Water Features.* Effects on fish from increased shading from installation of the floating dock at Berth 34 will be minimized through the following measure: The floating dock will be designed to provide 40 percent light transmittance (e.g., deck grating, board spacing).

**Mitigation Measure BIO-5:** *Nesting Bird Protection Measures.* Before any work conducted between February 1 and August 15, a qualified biologist with expertise in birds shall conduct a preconstruction survey to determine whether any birds are nesting in the work area plus an appropriate buffer area determined by a qualified biologist to verify the presence or absence of nesting raptors or other birds. If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work would be allowed until the young have successfully fledged. The survey shall include baseline monitoring of the nest to characterize normal bird behavior and determine a buffer distance which allows the birds to exhibit normal behavior. The size of the nest buffer shall be determined by the qualified biologist, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged, and the nest is no longer active.

**Mitigation Measure BIO-6:** *Regulatory Permits and Authorizations:* Prior to construction in or near the water, the project proponent shall obtain and comply with all necessary regulatory permit approvals, conditions, certifications, and authorizations, including without limitation, the following:

- USACE: Section 404. Permit approval from the USACE shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act (CWA).
- Regional Water Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the USACE can issue a 404 permit, above. Also approvals under the RWQCB pursuant to the National Pollution Discharge Elimination System (NPDES) and General Permit and Storm Water Pollution Prevention Plan (SWPPP).
- USFWS and National Oceanic and Atmospheric Administration (NOAA): Section 7 Consultation/Biological Opinion for project impacts to federally-listed special status species or their habitat (for federal review by the U.S. Maritime Administration, if applicable).
- Department of Toxic Substances Control (DTSC) review and oversight over remediation of contaminated soils or groundwater impacting the Project site, if needed, including approvals related to Remedial Action Plans, Remedial Action Completion Certifications, and No Further Action Letters.
- California Department of Fish and Wildlife (CDFW) oversight of specific sensitive species aspects of the project if potential effects are found.
- Bay Conservation and Development Commission (BCDC) approvals required for Bay fill and shoreline development within 100 feet of the mean high tide line.

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**Comment Period:**

The Port is making the Draft Initial Study/Mitigated Negative Declaration available for public review and comment in accordance with CEQA for a minimum of 30 days. The public review and comment period will be from **March 5, 2025 to April 4, 2025**. Comments must be received by **5:00 p.m. on Friday, April 4, 2025**.

During this comment period, comments may be submitted in the following ways:

**By email to:** [enagle@portoakland.com](mailto:enagle@portoakland.com)

**By mail to:**

Port of Oakland  
Environmental Programs and Planning Division  
ATTN: Elizabeth Nagle  
530 Water Street  
Oakland, CA 94607

**Location of the Draft Supplemental Initial Study/ Mitigated Negative Declaration:**

The Draft IS/Proposed ND will be made physically available at the following Port office and public library locations:

Port of Oakland  
530 Water Street  
Oakland, CA 94607

3301 E. 12th Street #271  
Oakland, CA 94601

Oakland Public Library, West Oakland  
Branch  
1801 Adeline Street  
Oakland, CA 94607

Oakland African American Museum  
and Library  
659 14th Street  
Oakland, CA 94612

Oakland Public Library, Asian Branch  
388 9th Street #190  
Oakland, CA 94607

Oakland Public Library, Golden Gate  
Branch  
5606 San Pablo Avenue  
Oakland, CA 94608

Oakland Public Library, Central Library  
125 14th Street  
Oakland, CA 94612

Alameda Public Library, West End  
Branch  
788 Santa Clara Avenue  
Alameda, CA 94501

Oakland Public Library, César E.  
Chávez Branch

**Note Regarding Federal Requirements:**

Federal approval will be required for this project and this project is subject to review under the National Environmental Policy Act (NEPA). The Maritime Administration (MARAD) will be the lead agency for NEPA documentation.