



PORT OF OAKLAND

Boat Yard
Affects Seabreeze Yacht
280 6th Ave
CO 0000124

April 27, 2001

MAY 01 2001

Richard C. Hiatt, P.E.
Associate Water Resources Control Engineer
California Regional Water Quality Control Board, San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: Port of Oakland Clinton Basin Supplemental Environmental Project

Dear Mr. Hiatt:

The Regional Water Quality Control Board ("Regional Board") issued Amended Complaint No. 00-040 for Administrative Civil Liability against the Port of Oakland last August for activities conducted in the Clinton Basin involving the removal of the vessel, Moby Dick the preceding spring. The Port elected to implement a Supplemental Environmental Project ("SEP") in lieu of \$64,000 in penalties. The Port, with input from the State Coastal Conservancy, Golden Gate Audubon Society and the local community, is proceeding with the development of the SEP. As you have been made aware, for a number of reasons, the development has taken place with less dispatch than originally anticipated. This letter is intended to provide an update and status report on the SEP.

As was established at the very outset of this project, the State Coastal Conservancy, Golden Gate Audubon and local community have actively participated in the discussions of the SEP. The Port has met with these parties to discuss the initial project concept, objectives and options, most recently on March 1, 2001. In addition, a Public meeting was held on April 9, 2001 to discuss the SEP and development issues in the Oak to 9th Avenue district, in general. I believe that the interested parties are now in agreement as to project location and concept.

Philip Williams and Associates was engaged to develop the initial project concept for habitat restoration and enhancement in the area of the Clinton Basin near the Seabreeze Marina. The main elements of the initial concept are (1) restoration of a tidal marsh, (2) enhancement of

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roosting areas for shore and water birds, and (3) increase in habitat diversity. A primary objective of the project is to improve the habitat values for shore birds, gulls, ducks and other avian life that frequent the area. A diagram of the preliminary project design is attached for your information.

This preliminary proposal involves cleaning up debris in the area, excavating a channel approximately 60 feet wide and 5 to 7 feet deep, and some surface grading. The channel would increase the tidal influence of the site, expanding the area vegetated by marsh and creating a small island. The marsh will add habitat diversity to the area and the island will provide roosting habitat for birds protected from disturbance by people and dogs. The project would include cleaning up debris and expanding the southern open shore area by approximately 2000 square feet.

Although it has suffered degradation from historic human activities, the site contains some of the last remaining natural habitats in the vicinity. As you know, there is some known petroleum and heavy metal contamination on portions of the site from historic storage of Bunker C fuel oil and other industrial activities. Excavation and grading activities might expose contaminated sediments to bay waters and wildlife using the area. With this potential in mind, the Port's environmental consultant, Baseline Environmental, collected soil samples on March 20, 2001. The samples were collected for further characterization of the nature and extent of the contamination and will form the basis of a risk assessment to determine whether the project can go forward as planned or whether either remediation or project redesign is necessary. If substantial remediation is necessary, causing the project cost to significantly exceed the \$64,000 target, the Port may be forced to reconsider the project concept or location.

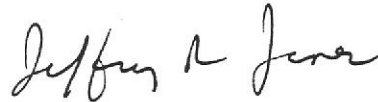
At present, the Port's consultant is analyzing the results of this sampling. The Port, with the assistance of Golden Gate Audubon, has scheduled a meeting at the Coastal Conservancy (1330 Broadway, 11th Floor, Oakland) for Wednesday, May 2, 2001 at 9:00 a.m. to discuss the results of this analysis. The Port believes your participation in this meeting would be beneficial and invites your attendance. Someone should be contacting you shortly about that meeting.

If the project can go forward as designed, the Port will need approval from several entities. Obviously, the support of the Regional Board will be critical. In the meantime, the Port has begun discussions with the City of Oakland Planning Department and Alameda County Health Care Services Agency about the project. The Port's Planning Department is poised to pursue BCDC and Corps of Engineer approvals as necessary. The Port's Commercial Real Estate Division has already determined that the project is compatible with the land use alternatives under consideration as part of the Port's Estuary Policy Plan for redevelopment of the Oak Street to 9th Avenue corridor.

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We look forward to the Regional Board's participation.

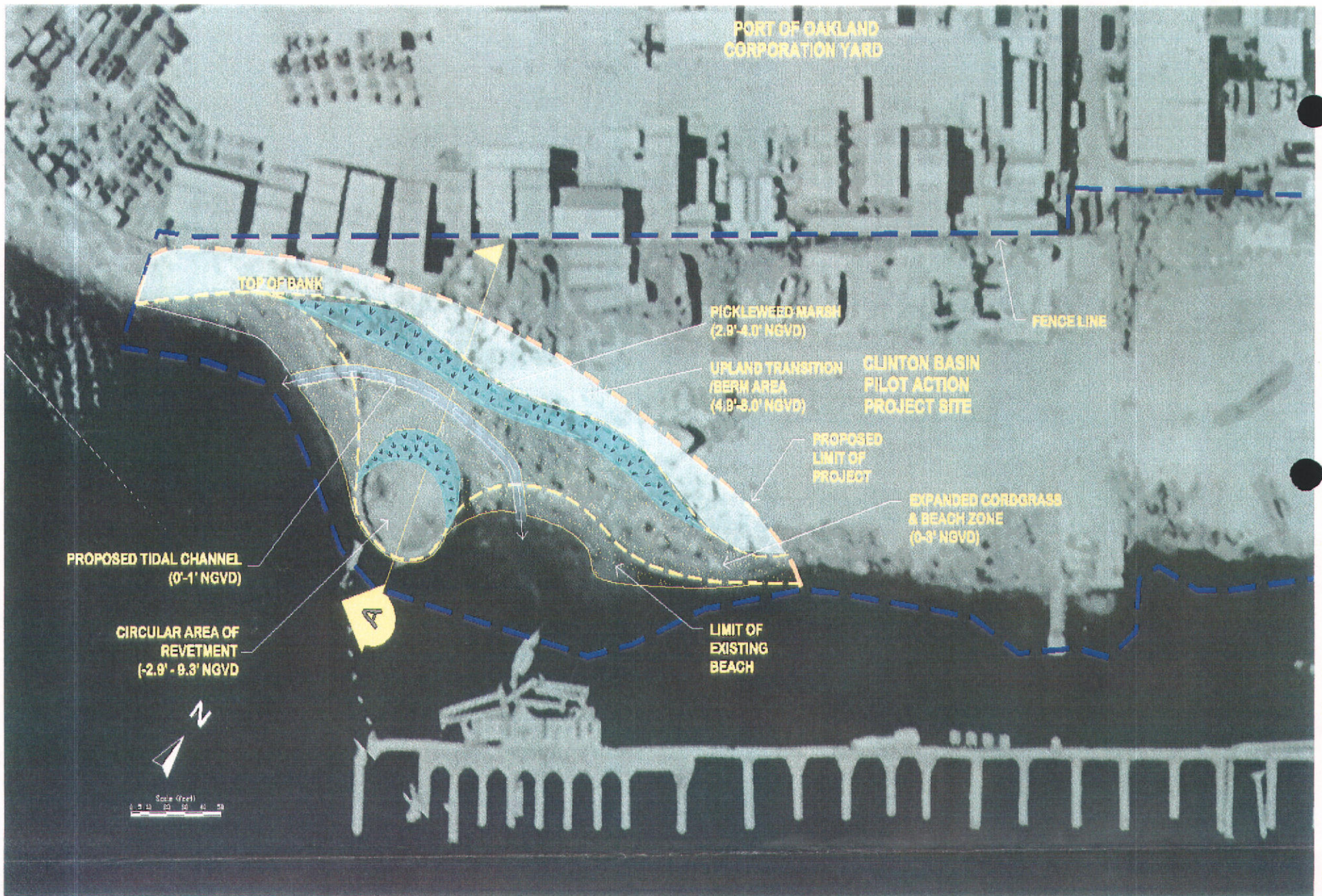
Very truly yours,



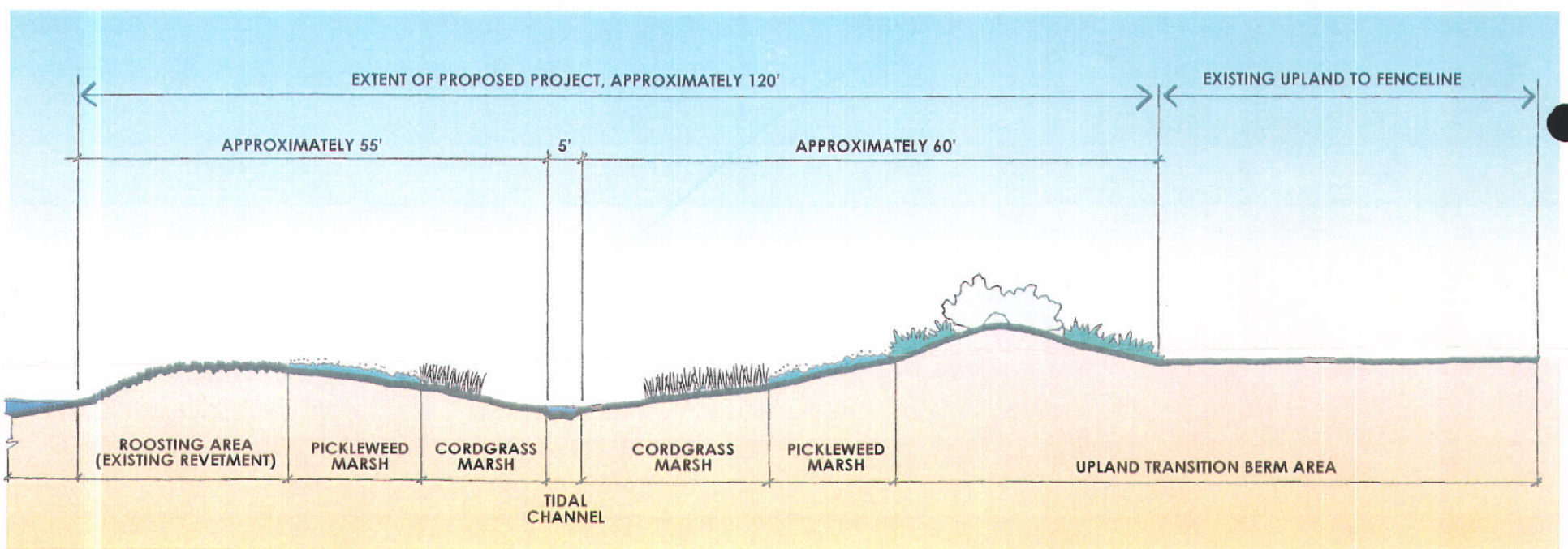
Jeffrey R. Jones, MS, MPH
Environmental Compliance Supervisor

Encl: Proposed Pilot Enhancement Plan

cc: Douglas Herman, Associate Port Environmental Scientist
Andy Jahn, Port Department of Planning
Keith Lichten, Regional Water Quality Control Board
Maxine Spellman, California Coastal Conservancy
John Bowers, Golden Gate Audubon Society
Arthur Feinstein, Golden Gate Audubon Society
Scott Miller, CEDA
Barney Chan, ACHSCA



PROPOSED PILOT ENHANCEMENT PLAN
CLINTON BASIN - OAKLAND ESTUARY



TYPICAL SECTION A: LOOKING WEST

PROPOSED PILOT ENHANCEMENT PLAN
CLINTON BASIN - OAKLAND ESTUARY