

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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City of Oakland
Peterson Vollman, Planner
Bureau of Planning
250 Frank Ogawa Plaza, Suite 2214
Oakland, CA 94612
Submitted electronically at: <https://comment-tracker.esassoc.com/oaklandsportseir/index.html>

Re: Waterfront Ballpark District at Howard Terminal Draft Environmental
Impact Report – Mitigation Measure LUP-1a

Dear Mr. Vollman:

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) submits this comment on the Draft EIR's Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan and Requirements. The Board is the state agency that trains, licenses, and exercises regulatory supervision over the pilots who navigate vessels in the Oakland Inner Harbor adjacent to the proposed ballpark. The Board's principal function is to ensure the safe navigation of piloted vessels within the pilotage grounds subject to the Board's jurisdiction.

Mitigation Measure LUP-1a requires development of a safety protocol for boating and water recreation adjacent to the project site. The Draft EIR provides that the protocol "shall specify measures intended to minimize conflicts with maritime navigation resulting in safety hazards and ship delay." The first paragraph of the mitigation measure provides that the Harbor Safety Committee of the San Francisco Bay Region is one of six approving entities that must approve the protocol initially proposed by the project sponsor. Farther down page 4.10-38, the mitigation measure also provides that the "approving parties" shall meet periodically to review "the effectiveness of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards." Further, the measure requires the "approving parties" to "make good faith efforts to regularly revise the initial protocol based on the effectiveness and feasibility of the protocol in preventing noncompliant boating activity, shipping delays and water safety hazards."

The Board's concern is that the second reference to "approving parties," at the bottom of page 4.10-38, calls out only three entities as being "approving parties," not the six that are listed in the first paragraph of the mitigation measure, higher up on the same page. That first paragraph lists the project sponsor, the City of Oakland, the Port of Oakland, the San Francisco Bay Area Water Emergency Transportation Authority (WETA), the Harbor Safety Committee of the San Francisco Bay Region, and the U.S. Coast Guard as those who must approve the initial protocol. Without explanation, the last paragraph on page 4.10-38 lists only three entities as approvers of the initial protocol: "the Project sponsor, the City of Oakland, and the Port of Oakland (collectively, the 'Approving Parties')." And it is only these three entities that, reading this latter

language literally, are charged with undertaking periodic review of the protocol's effectiveness and making any revisions to the initial protocol.

The Board asks that the mitigation measure make clear that the Harbor Safety Committee of the San Francisco Bay Region is one of the "approving parties," and that it is charged both with approving the initial protocol and charged as well with periodically reviewing the protocol for effectiveness and joining in any future revisions of the protocol.

The Harbor Safety Committee comprises various Bay Area maritime stakeholders, including the San Francisco Bar Pilots, the U.S. Coast Guard, WETA, commercial tug and ship operators, and recreational boaters. The Harbor Safety Committee meets frequently to discuss matters bearing on safe navigation and has historically formulated suggested policy and guidance for transmission to concerned agencies. The Committee receives diverse input from entities concerned with all aspects of commercial and recreational navigation on the Bay. Accordingly, the Board respectfully requests that Mitigation Measure LUP-1a expressly provide that the Harbor Safety Committee shall be included in all three aspects of the protocol: initial adoption of the protocol, periodic reviews of the protocol's effectiveness, and approval of any future revisions of the protocol.

Thank you for consideration of the Board's views on this matter.

Sincerely,



Allen Garfinkle
Executive Director