

FINDING OF SUITABILITY TO TRANSFER OAKLAND INNER HARBOR TIDAL CANAL (OIHTC)

**CITY OF ALAMEDA AND EAST BAY REGIONAL PARK DISTRICT
ALAMEDA COUNTY, CALIFORNIA**

**Tract A100L - license - 0.00 acres
Tract Prior 43 - fee - 86.50 acres
Tract A101E - easement - 0.00 acres**



Source: Esri, DigitalGlobe



**U.S. Army Corps of Engineers
San Francisco District
August 2016**

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**FINDING OF SUITABILITY TO TRANSFER
Oakland Inner Harbor Tidal Canal
City of Alameda and East Bay Regional Park District
Alameda County, California
August 2016**

1. PURPOSE

The purpose of this Finding Of Suitability To Transfer (FOST) is to document the environmental suitability of the Oakland Inner Harbor Tidal Canal (OIHTC) for transfer consistent with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9620(h) and Department of Defense (DOD) policy. In addition, the FOST includes the CERCLA Notice, Covenant, and Access Provisions and other Deed Provisions.

The properties to be transferred (hereinafter, “the property”) are the southwest section of the canal from the centerline of the canal to the surveyed boundary within the City of Alameda (hereinafter, “Alameda”) to Alameda; and the northeast section of the canal from the centerline of the canal to the surveyed boundary within the City of Oakland (hereinafter, “Oakland”) to the East Bay Regional Park District (EBRPD).

2. PROPERTY DESCRIPTION

The property consists of approximately 1.8 miles of canal connecting the Oakland Inner Harbor just west of the Park Street Bridge to San Leandro Bay. There are no Army structures located on the property. Privately-owned floating docks and moorings extend from adjacent commercial and residential properties into the canal and some of the adjacent properties have additional construction, such as patios and small sheds, supported by pilings, which extend onto the Property. Abandoned pilings are located along both sides of the canal, primarily along the Alameda portion.

There is no documentation that the canal has required government-sponsored maintenance dredging since its completion. In general, tidal flow between San Francisco and San Leandro Bays appears to have been sufficient to prevent excessive sediment buildup within the canal that would impede navigation. As determined by historical photographs, sediment deposition that occurs at the Sausal Creek Outlet is generally kept in check by erosion occurring during seasonal storm events.

Both sides of the canal contain numerous small outlet pipes that drain storm water and overland flow from adjacent properties into the canal. Buried pipelines and conduits also cross the canal.

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the property was made based upon, but not limited to the following documents:

- Environmental Data Resources Corridor Study Report (EDR), Environmental Data Resources, Inc., March 24, 2003.
- Environmental Baseline Study (EBS), USACE, San Francisco District, August 16, 2016.

- Limited Phase II Investigation, Allied Engineering Property, 2421 Blanding Avenue, Alameda, CA, Geologica, September 18, 2014.
- GeoTracker Web-based Database, Accessed August 15, 2016.
- Phase II Environmental Site Assessment, Stone Boatyard, 2517 Blanding Avenue, Alameda, CA, Questa Engineering Corp, November 2004.
- Oakland Tidal Canal Geophysical Survey & Sediment Sampling, Sea Surveyor, Inc., March 2009.
- Order No. R2-2002-0091, Adoption of Site Cleanup Requirements for Cal Steel Coating/US Army Corps of Engineers, SFBRWQCB, September 18, 2002.
- Order No. R2-2014-0026, Rescission of Site Cleanup Requirements (Order No. R2-2002-0091) for Cal Steel Coatings/ US Army Corps of Engineers, SFBRWQCB, June 11, 2014.
- Oakland Inner Harbor Tidal Canal Phase I and II Baseline Study, USACE, Sacramento District, December 2014.

A complete listing of the documents used in evaluating the property can be found in Section 7 of the Environmental Baseline Study dated August 2016. The information provided is the result of a complete search of agency files during the development of the environmental surveys.

4. ENVIRONMENTAL CONDITION OF PROPERTY

The DOD Environmental Condition of Property (ECP) categories for the property are as follows:

- ECP Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).
- ECP Category 2: Areas where only release or disposal of petroleum products has occurred.
- ECP Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred but at concentrations that do not require a removal or remedial response.
- ECP Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

CITY OF ALAMEDA SIDE:

The Alameda portion of the canal has 3 known sites on adjacent parcels that have impacted the OIHTC parcel. One area is petroleum only and would warrant a Category 2. Two locations were impacted by metals and would suggest a Category 4 since all federal actions have been completed. One of these locations has been officially closed out while the responsible party is still working with authorities on the second location.

The few areas where impacts have occurred have been documented and all federal actions have been completed. The overall Environmental Condition of Property has been determined to be a Category 4 and is suitable for disposal for civilian reuse.

CITY OF OAKLAND SIDE:

The Oakland portion of the canal is classified as Category 3 based on adjacent land use (current and historical) and current use of the canal property.

4.1 ENVIRONMENTAL REMEDIATION SITES

The portion of the canal adjacent to the previous Nelson Marine Property, also referred to as Cal Steel Coating, 2235 & 2241 Clement Avenue, CA, was remediated in cooperation with the San Francisco Bay Regional Water Quality Control Board (RWQCB) in late 2013 under Order No. R2-2002-0091, Adoption of Site Cleanup Requirements.

There are currently two adjacent sites undergoing remediation on the Alameda side of the canal. The first property is located at 2301 through 2337 Blanding Avenue and is known as Park Street Landing. Gasoline was detected in groundwater on site which is currently being addressed by Chevron in coordination with Alameda County Environmental Health Services. A draft Corrective Action Plan has been submitted.

The second property, known as Allied Engineering and Production Corporation, is located at 2421 Blanding Avenue, Alameda, CA. The current owner of the adjacent property (Allied Engineering) is in negotiations with the RWQCB to remediate the adjacent property and portions of the Tidal Canal.

4.2 STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

The following table documents the hazardous substances known to have been stored or released on the property, and the remedial actions taken.

Property Description	ECP Condition Category	Remedial Actions
2235 & 2241 Clement Ave	4	Soils removal for metals impacts to soil. All activities are completed and the RWQCB has closed the site, per RWQCB Order R2-2014-0026 dated June 11, 2014.
2301 – 2337 Blanding Ave	2	Petroleum product contamination emanating from an adjacent parcel. This is being addressed by the responsible party in coordination with the RWQCB. No federal actions have been identified.
2421 Blanding Ave	4	Metals contamination emanating from an adjacent parcel. This is being addressed by the responsible party in coordination with the RWQCB. No federal actions have been identified.
<p>The information contained in this table is required under the authority of regulation promulgated under section 120(h) of the Comprehensive Environmental Response, Liability and Compensation Act (CERCLA or “Superfund”) 42 U.S.C. § 9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (whichever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substance’s CERCLA reportable quantity. See 40 C.F.R. Part 373.</p>		

4.3 PETROLEUM AND PETROLEUM PRODUCTS

4.3.1 Underground and Above-ground Storage Tanks (UST/AST)

- Current UST/AST Sites: There are no underground and/or above-ground petroleum storage tanks (UST/AST) on the property.
- Former UST/AST Sites: There is no evidence that underground and/or above-ground storage tanks have ever been located on the property.

4.3.2 Non-UST/AST Storage, Release, or Disposal of Petroleum Products

The Park Street Landing site located at 2301 through 2337 Blanding Avenue has been identified as a site that released petroleum products which migrated to the federal property. Gasoline was detected in groundwater on the site which is currently being addressed by Chevron in coordination with Alameda County Environmental Health Services. A draft Corrective Action Plan has been submitted.

There is no record that the DOD has ever stored petroleum products on the property. There is no record that a release (defined as 55 gallons or more) has occurred at the site.

The property is a public waterway and is subject to potential contamination from passing vessels and from potential spills resulting from the refueling of craft from privately owned docks that extend into the canal. A refueling station (Park Street Landing) exists to the northwest of the property.

An oil sheen was reported near 3253 Fernside Drive, Alameda, on the California Hazardous Material Incident Report System (CHMIRS) database, Office of Environmental Services (OES) Control Number 01-6074) and a release of 5 gallons of diesel fuel was reported on the CHMIRS database at 3313 Fernside Drive, Alameda. These are the only spills found during a search of the databases which directly affected the canal. Reports of oil spills on adjacent properties are listed in Section 5.

There is also the potential that spills which occur within San Francisco and San Leandro Bays may be deposited as residues along the sides of the canal by tidal action, or from watercraft passing through the canal. Numerous storm water outlets also discharge surface water flows along both sides of the canal

4.4 POLYCHLORINATED BIPHENYLS (PCB)

There is no evidence that PCB-containing equipment is located or was previously located on the property.

4.5 ASBESTOS

There are no known man-made or naturally occurring sources of friable asbestos located on the property. It is possible that some of the older buried underground utility pipes crossing the canal may contain or be coated with asbestos containing material (ACM); however, since they are non-friable, they pose no threat to human health and are not considered part of the property transfer.

4.6 LEAD-BASED PAINT (LBP)

Since no buildings were ever constructed by the Department of Defense on the property, there is no source for Army-related LBP on the site. Although a few of the docks which extend onto the property may be old enough to contain some LBP, they are not considered part of the property and are not a part of the transfer.

4.7 RADIOLOGICAL MATERIALS

There is no evidence that radioactive materials or sources were stored or used on the property.

4.8 RADON

Since no buildings or permanent enclosed structures belonging to the Federal Government, exist on the property, no radon surveys were conducted.

4.9 MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

Based on a review of existing records and available information, there is no evidence that Munitions and Explosives of Concern (MEC) are or ever have been present on the property. In addition, the historical use of the property does not support munitions related activities nor have munitions been discovered on the property. The term "MEC" refers to military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. § 2710(e)(2); or (B) munitions constituents, e.g., Trinitrotoluene (TNT) and Cyclotrimethylenetrinitramine (RDX), as defined in 10 U.S.C. § 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

4.10 OTHER PROPERTY CONDITIONS

There are no other hazardous conditions on the property that present an unacceptable risk to human health and the environment. A Phase I and II Environmental Baseline Study of the property was prepared by USACE, Sacramento District, in December 2014.

5. ADJACENT PROPERTY CONDITIONS

A study of the properties adjacent to the OIHTC was completed by Environmental Data Resources, Inc. (EDR) in March 2003. EDR performed a search of Federal, state and local records contained in 20 different databases for sites within the vicinity of the canal that have reported contamination, have ASTs or USTs containing petroleum products or that have reportable quantities of hazardous materials stored on the property. These properties are discussed in the Phase I and II Environmental Baseline Study prepared by USACE, Sacramento District, in December 2014. Those properties listed in the EDR that are adjacent to the canal are listed in Enclosure 3.

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

The RWQCB issued an Order for Adoption of Site Cleanup Requirements for the property located at 2241 Clement Avenue known as Nelson's Marine. The landowners and/or operators disposed of building debris, soil, paint solids, metallic shavings, grit and sandblasting slag which impacted soil and marine sediment on that portion of the canal adjacent to the Nelson Marine property. In cooperation with the RWQCB, remedial action removed contamination from the Federal Property and the Order was rescinded. A copy of the Rescission Order can be found in Enclosure 4.

The RWQCB has an open site assessment on 2124 Blanding Avenue in the City of Alameda, which currently belongs to Allied Engineering and Production Corporation.

The RWQCB has an open site assessment on 2301 through 2337 Blanding Avenue in the City of Alameda, which is known as Park Street Landing. Gasoline was detected in groundwater on site which is currently being addressed by Chevron in coordination with Alameda County Environmental Health Services. A draft Corrective Action Plan has been submitted.

There are no other environmental remediation orders, tentative orders, or agreements applicable to the property being transferred. The deed will include a provision reserving the Army's right to conduct future remediation activities if necessary (Enclosure 5).

7. REGULATORY/PUBLIC COORDINATION

The RWQCB was notified of the initiation of this FOST. Regulatory /public comments received during the public comment period will be reviewed and incorporated as appropriate. A copy of the regulatory / public comments and the Army Response are included as Enclosures 7 and 8.

8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of the property were analyzed in an Environmental Assessment dated May 2016, see Enclosure 6. Public comment and review took place in July 2016, see Enclosure 7 for the Responsiveness Summary. A Finding of No Significant Impact was signed in August 2016, see Enclosure 6.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the above information, the USACE concludes that all removal or remedial actions necessary to protect human health and the environment have been taken or are in the process of being taken and the property is transferable under CERCLA section 120(h)(3). In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions that shall be included in the deeds for the property. The deeds will also include the CERCLA 120(h)(3) Notice, Covenant, and Access Provisions and Other Deed Provisions.

UNITED STATES OF AMERICA

By: _____

JOHN C. MORROW
Lieutenant Colonel, US Army
District Engineer

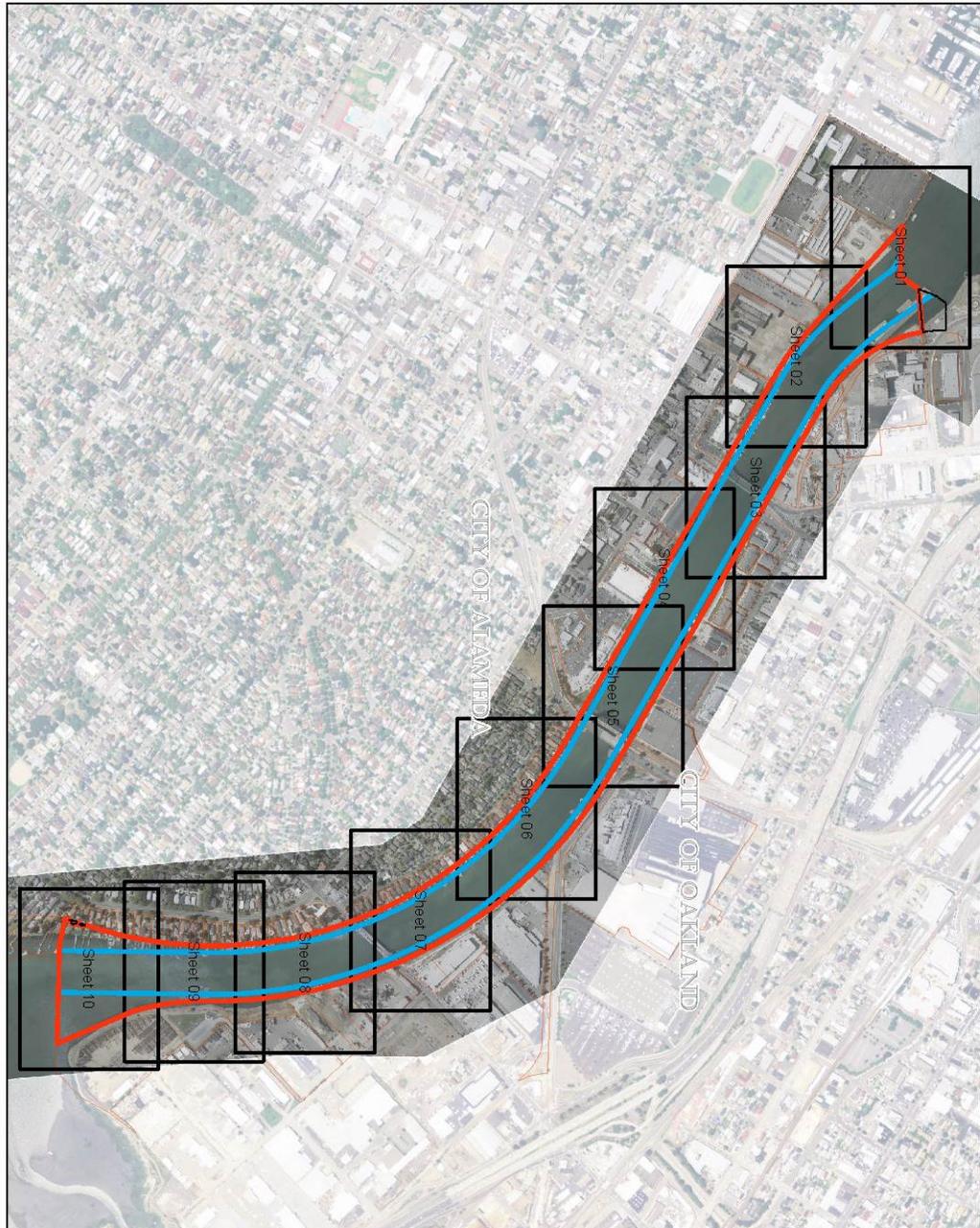
10. ENCLOSURES

- Encl 1 Site Maps of Property
- Encl 2 Description of Property
- Encl 3 Adjacent Property
- Encl 4 Rescission of Tentative Board Order
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ENCLOSURE 1

SITE MAP

SITE MAP



U.S. Army Corps of Engineers
 San Francisco District
 1455 Market
 San Francisco, CA 94103

**Oakland Inner Harbor
 Tidal Canal
 Parcels and Addresses**

Alameda County, CA



- Special_Parcels
- OIHTC Federal
- Property Line
- Pierhead Line
- Map_Sheets
- CAD parcels

1 inch equals 600 feet
 0 325 650 1,300 Feet

DATUM: NAD 83
 PROJECTION: STATE PLANE
 ZONE: CALIFORNIA III

Engineering Branch
 Geotechnical Sciences Section
 15th Floor

Map by: Sheldon Bluestein
 sheldon.bluestein@usace.army.mil
 415-503-6923
 Date: 03/18/2009
 File Name: M:\ET\Projects\Oakland_Harbor\IMethr\00\map_book_PEM.d

NOTE: Parcel data is compiled from three sources: Barclay's Maps, Inc. data from 2003; Trowl Inc. 2008; and Alameda County GIS 2009. There are some differences in the data. The parcel data was reloaded in most cases. The parcel data was reloaded. Please be aware that the parcels shown here are not intended as a substitute for a field survey by a licensed land surveyor. (See Sectional Map Surveys, September 28, 2008)

SHEET NUMBER
 0
 OF 10

ENCLOSURE 2
PROPERTY DESCRIPTION

A general description of the property can be found in Section 2 of the main text. Attached here is a copy of the legal description that is currently on file in the USACE Offices.

OAKLAND INNER HARBOR TIDAL CANAL
LEGAL DESCRIPTION

Decree No. 3590
Superior Court of Alameda
September 30, 1882

Beginning at a stake near the junction of Brickyard Slough and San Leandro estuary or bay, on the westerly side of said slough, and south 80° east, 15 feet distant from tide-land stake No. 224, shown on a map entitled Map No. 2 of Salt Marsh and Tide Lands, situate in the county of Alameda, State of California, prepared by order of the Board of Tide Land Commissioners in 1871, and which map and the field notes thereof are on file in the office of the State Board of Tide land Commissioners; thence north 20° 03' east, 54 04-100 feet into land claimed by J. D. Farwell; thence north 18° 05' east, 100 feet, to and across the boundary between the land claimed by J. D. Farwell and the land claimed by H. Gibbons, and into the land claimed by said H. Gibbons; thence north 16° 07' east, 100 feet; thence north 14° 09' east, 100 feet; thence north 12° 11' east, 100 feet; thence north 10° 13' east, 100 feet; thence north 8° 15' east, 100 feet; thence north 6° 17' east, 100 feet; thence north 4° 19' east, 100 feet; thence north 2° 21' east, 100 feet; thence north 0° 23' east, 100 feet; thence north 1° 35' west, 100 feet; thence north 3° 33' west, 100 feet; thence north 5° 31' west, 100 feet; thence north 7° 29' west, 100 feet; thence north 9° 27' west, 100 feet; thence north 11° 25' west, 100 feet; thence north 13° 23' west, 100 feet; thence north 15° 21' west, 100 feet; thence north 17° 19' west, 100 feet; thence north 19° 17' west, 100 feet; thence north 21° 15' west, 100 feet, to and across the northwesterly line of said land claimed by H. Gibbons, and across High Street and into land claimed by A. A. Cohen; thence north 23° 13' west, 100 feet; thence north 25° 11' west, 100 feet; thence north 27° 09' west, 100 feet; thence north 29° 07' west, 100 feet; thence north 31° 05' west, 100 feet; thence north 33° 03' west, 100 feet; thence north 35° 01' west, 100 feet; thence north 36° 59' west, 100 feet, to and across the boundary between the said land claimed by A. A. Cohen and the land claimed by P. Sather, and into land claimed by P. Sather; thence north 38° 57' west, 100 feet; thence north 40° 55' west, 100 feet; thence north 42° 53' west, 100 feet, to and across the boundary between the said land claimed by P. Sather and land claimed by A. A. Cohen, and into land claimed by A. A. Cohen; thence north 44° 51' west, 100 feet; thence north 46° 49' west, 100 feet; thence north 48° 47' west, 100 feet; thence north 50° 45' west, 100 feet; thence north 52° 43' west, 100 feet; thence north 54° 41' west, 100 feet, to and across the boundary between the said land claimed by A. A. Cohen and into land claimed by P. Sather; thence north 56° 39' west 100 feet; thence north 58° 37' west, 100 feet, to and across the boundary between the said land claimed by P. Sather and into land claimed by the Central Pacific Railroad Company; thence north 60° 35' west, 100 feet, to and across the boundary between the said land claimed by the Central Pacific Railroad Company and into Washington avenue; thence north 61° 34' west, 3106 58-100 feet, across Washington avenue, to and along the boundary between the land claimed by Valdez and Glascock and Washington avenue, to and across Park Avenue, to and across the boundary between said Park avenue and land claimed by G. G. Briggs, across said land claimed by G. G. Briggs to and across boundary between said land claimed by G. G. Briggs and land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G. Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests), across the land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G.

Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests), to and across the boundary between the said last named tract of land and the land claimed by Meinicke, Baum Muecke, Janssen, and Roeding, across the said land claimed by Meinicke, Baum, Muecke, Janssen, and Roeding to and across the boundary between the said land claimed by Meinicke, Baum, Muecke, Janssen, and Roeding, and the land claimed by T. A. Smith, across the said land claimed by T. A. Smith, to and across the boundary between the said land claimed by T. A. Smith and the land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G. Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests), into the land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G. Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests); thence north 57° 34' west, 100 06-100 feet; thence north 53° 33' west, 100 06-100 feet; thence north 49° 33' west, 1157 73-100 feet to a post marked U.S.E. on the edge of the marsh land at the head of San Antonio estuary, and which post is north 88° 19' west, 366 40-100 feet distant from the tide land stake No. 424, shown on a map entitled Map No. 3 of Salt Marsh and Tide Land, situate in the county of Alameda, State of California, prepared by order of the Board of Tide Land Commissioners in 1872, and which map and the field notes thereof are on file in the office of the State Board of Tide Land Commissioners; thence south 88° 19' east, 366 40-100 feet along the edge of the marsh land at the head of San Antonio estuary to tide land stake No. 424, above described; thence north 32° 25' east, 158 60-100 feet, continuing along the edge of the said marsh land; thence north 22° 05' east, 145 feet, continuing along the edge of the said marsh land; thence north 33° 48' east, 79 10-100 feet, continuing along the edge of said marsh land; thence north 88° 45' east, 193 67-100 feet, continuing along the edge of said marsh land; thence south 3° 26' east, 64 15-100 feet, leaving the edge of said marsh land at the head of San Antonio estuary, and into the land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G. Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests); thence south 8° 41' east, 100 feet; thence south 14° 15' east, 100 feet; thence south 19° 49' east, 100 feet; thence south 25° 23' east, 100 feet; thence south 30° 57' east, 100 feet; thence south 36° 31' east, 100 feet; thence south 42° 05' east, 100 feet; thence south 47° 39' east, 100 feet; thence south 53° 13' east, 100 feet; thence south 58° 47' east, 100 feet, to a stake on the boundary between the said land claimed by the Oakland Water Front Company, B. S. Alexander, B. S. Brooks, A. A. Cohen, Caroline E. Chipman, Eli Corwin, H. W. Carpentier, O. Eldridge, J. D. Farwell, Mary A. Fitch, E. Forge, Hayes and Caperton, J. G. Kellogg, Annis Merrill, G. H. Mendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, C. S. Stewart and H. M. Whitney (undivided interests), and the land claimed by A. Ford; thence south 61° 34' east, 3113 37-100 feet, across said land claimed by A. Ford, to and across the boundary between the said land claimed by A. Ford and land claimed by G. G. Briggs, into the land claimed by G. G. Briggs, across said land claimed by G. G. Briggs, into the land claimed by G. G. Briggs, to and across the boundary between the said land claimed by G. G. Briggs and Park avenue, across Park avenue to and across the boundary between Park avenue and the land claimed by Valdez and Glascock into and across the said land claimed by Valdez and Glascock to and across the boundary between the said land claimed by Valdez and Glascock and Fruit Vale avenue, across Fruit Vale avenue to and across the boundary between Fruit Vale avenue and the land claimed by P. Sather, into the said land claimed by P. Sather; thence south 59° 36' east, 113 75-100 feet; thence south 57° 38' east, 113 75-100 feet; thence south 55° 40' east, 113 75-100 feet; thence south 53° 42' east, 113 75-100 feet; thence south 51° 44' east, 113 75-100 feet, to and across the boundary between said land claimed by P. Sather and Washington avenue, into Washington avenue; thence south 49° 46' east, 113 75-100 feet to and across the boundary between Washington avenue and the land claimed by the Central Pacific Railroad Company into the said land claimed by the Central Pacific Railroad Company; thence south 47° 48' east, 113 75-100

feet, to and across the boundary between the said land claimed by the Central Pacific Railroad Company and the land claimed by P. Sather, and into the land claimed by P. Sather; thence south 45° 50' east 113 75-100 feet; thence south 43° 52' east, 113 75-100 feet; thence south 41° 54' east, 113 75-100 feet; thence south 39° 56' east, 113 75-100 feet; thence south 37° 58' east, 113 75-100 feet; thence 35° 00' east, 113 75-100 feet; thence south 33° 02' east, 113 75-100 feet; thence south 31° 04' east, 113 75-100 feet; thence south 29° 06' east, 113 75-100 feet; thence south 27° 08' east, 113 75-100 feet; thence south 25° 10' east 113 75-100 feet, to and across the boundary between the said land claimed by P. Sather and High street, and into High street; thence south 23° 12' east, 113 75-100 feet, to and across the boundary between High street and the land claimed by J. D. Farwell, and into the said land claimed by J. D. Farwell; thence south 21° 14', east 113 75-100 feet; thence south 19° 16' east, 113 75-100 feet; thence south 17° 18' east, 113 75-100 feet; thence south 15° 20' east, 113 75-100 feet; thence south 13° 22' east, 113 75-100 feet, to and across the boundary between the said land claimed by J. D. Farwell and the land claimed by H. Gibbons, into the said land claimed by H. Gibbons; thence south 11° 24' east, 113 75-100 feet, to and across the boundary between the said land claimed by H. Gibbons and land claimed by J. D. Farwell, and into the land claimed by J. D. Farwell; thence south 9° 26' east, 113 75-100 feet; thence south 7° 28' east, 113 75-100 feet; thence south 5° 30' east, 113 75-100 feet, to and across the boundary between the said land claimed by J. D. Farwell and the land claimed by H. Gibbons, and into the said land claimed by H. Gibbons; thence south 3° 32' east, 113 75-100 feet; thence south 1° 34' east, 113 75-100 feet, to and across the boundary between the said land claimed by H. Gibbons and land claimed by R. Simpson, and into the said land claimed by R. Simpson; thence south 0° 24' west, 56 87-100 feet; thence south 1° 11' east, 100 feet; thence south 4° 21' east, 100 feet; thence south 7° 31' east, 100 feet; thence south 10° 41' east, 100 feet; thence south 13° 51' east, 100 feet; thence south 17° 54' east, 49 65-100 feet, to tide land stake No. 220, shown on a map entitled Map No. 2 of Salt Marsh and Tide Lands, situate in the county of Alameda, State of California, prepared by order of the Board Of Tide Land Commissioners in 1871, and which map, and the field notes thereof, are on file in the office of the State Board of Tide Land Commissioners; thence south 24° 30' east, 580 83-100 feet along the boundary between land claimed by R. Simson and land claimed by M. Crooks, and across the said land claimed by M. Crooks to a point on a mud flat on the northwesterly shore of San Leandro estuary or bay; thence west, 700 98-100 feet along the southern boundary of the said land claimed by M. Crooks, to a corner common to the said land claimed by M. Crooks and land claimed by R. Simson; thence north 80° 00' west, 212 23-100 feet along the southern boundary of said land claimed by R. Simson, through the corner common to the said land claimed by R. Simson and land claimed by J. D. Farwell, along the southern boundary of the said land claimed by J. D. Farwell, to the place of beginning.

EXCEPTION THEREFROM, the .97 acre, more or less, reported excess 22 September 1982 (SPK-82-1A) 9-D-CA-1208.

Also noted in the files that there were 0.03 acres quit claimed to August Nolthenius on 26 January 1944.

ENCLOSURE 3
ADJACENT PROPERTY

ADJACENT PROPERTIES

The USACE Sacramento District commissioned Environmental Data Resources, Inc. to perform a search of Federal, State and Local environmental databases for the Oakland Inner Harbor Tidal Canal Phase I and II Environmental Baseline Study for listed properties within a one-fourth mile radius from the center of the canal. The results were published under the title of "The EDR Corridor Study Report" dated March 24, 2003. The results of the study is discussed in the USACE Phase I and II Environmental Baseline and is included in it's entirety as an attachment in that document. The information in this section is from the EDR Corridor Study Report but is limited to those properties considered to be located adjacent to the canal.

The number in parenthesis preceding each property address references the entry number in the EDR Corridor Study Report. The number in parentheses following the database where the site was listed is the EPA Identification Number for that site. The names of the owners given below are the owners or occupants of the property at the time the property was listed in the database(s) and may or may not be the current owners or occupants.

A property may become listed for many reasons including registration of above or below ground storage tanks, storage of hazardous or toxic materials in reportable quantities, generation of hazardous or toxic wastes in the course of business and/or having had a spill or release on the property. Just because a property is listed does not necessarily mean that the property poses an environmental problem.

When determining which properties were actually adjacent to the canal, it is possible that a few of the properties included below may not actually be adjacent to the canal. Whenever there were questions about whether or not a property should be included, it was decided to err on the conservative side and include the property.

LIST OF ACRONYMS / GLOSSARY OF TERMS

AIRS/AFS

Aerometric Information Retrieval System / AIRS Facility Subsystem database. Information on air releases is contained in the Aerometric Information Retrieval System (AIRS), a computer-based repository for information about air pollution in the United States. This information comes from source reports submitted by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. In AIRS, these sources are known as facilities, and the part of AIRS associated with data about sources is called the AIRS Facility Subsystem, or AFS. The information in AFS is used by the states to prepare State Implementation Plans, to track the compliance status of point sources with various regulatory programs, and to report air emissions estimates for pollutants regulated under the [Clean Air Act](#).

AST

Aboveground Storage Tank. The Aboveground Storage Tank database contains registered ASTs. The data comes from the State Water Resources Control Board's Hazardous Storage Container Database.

BRS

The Biennial Reporting System is one of EPA's primary tools for tracking the generation, shipment, and receipt of hazardous waste. It contains information from the Hazardous Waste Reports that must be filed every two years under the RCRA program. RCRA (the Resource Conservation and Recovery Act) is the Federal statute that regulates the generation, treatment, storage, disposal, or recycling of solid and hazardous waste. Facilities must report their activities involving hazardous waste to BRS if they fulfill one of two criteria: (1) they are a Large Quantity Generator (LQG) of waste, or (2) they have treated, stored, or disposed (TSD) of RCRA hazardous waste on site in units subject to RCRA permitting requirements.

Not all hazardous waste is reported within BRS. Some waste that might otherwise be considered hazardous is exempted from regulation within RCRA as part of the original legislation. Some waste treatment units, in particular wastewater treatment units, are not regulated under RCRA but instead under other environmental statutes. However, BRS appears to be the best U.S. hazardous waste tracking database available.

CA FID / CA FID UST

The California Facility Inventory Database contains active and inactive underground storage tank locations. The source of the database is the State Water Resource Control Board.

CA WDS

California Waste Discharge System. General Waste Discharge Requirement (WDR) adopted by the State Water Resources Control Board of California (SWRCB) on May 2, 2006. The goal of the WDR is to provide a consistent statewide approach for reducing Sanitary Sewer Overflows (SSOs). The WDR outlines these requirements for all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe. The database used to track this information is the CA WDS. For additional information visit the California EPA's website at www.waterboards.ca.gov/sso/.

CERCLIS

Comprehensive Environmental Response, Compensation, and Liability Information System. CERCLIS is the Superfund (CERCLA) database that is used to support management in all phases of the Superfund program. The system contains information

on all aspects of hazardous waste sites, including an inventory of sites, planned and actual site activities, and financial information. For more information on CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) go to <http://www.epa.gov/superfund/action/law/cercla.htm> . For additional information concerning the CERCLIS database go to [CERCLIS Database | Superfund Information Systems | US EPA](#)

CHMIRS

California Hazardous Material Incident Report System database contains information on reported hazardous material incidents such as accidental releases or spills. The database is maintained by the Office of Emergency Services (OES).

CLEANERS / DRYCLEANERS

Usually referred to as CLEANERS, this database is a list of drycleaner related facilities that have EPA identification numbers. These are facilities with certain SIC (Standard Industrial Classification) Codes such as power laundries, family and commercial; garment pressing and cleaners' agents; linen supply; coin-operated laundries and cleaning; dry cleaning plants except rugs; carpet and upholstery cleaning; industrial launderers; and laundry and garment services.

CORTESE

This database identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTS having a reportable release and all solid waste disposal facilities from which there is known migration. The source is the California Environmental Protection Agency / Office of Emergency Information.

EPA / U.S. EPA

United States Environmental Protection Agency.

ERNS

The Emergency Response Notification System records and stores information on reported releases of oil and hazardous substances. The source of this database is the U.S. EPA

FINDS

The Facility Index System contains both facility information and "pointers" to other sources of information that contain more detail. These other sources of information include:

RCRIS

PCS (Permit Compliance System)

AIRS (Aeromatic Information Retrieval System)

FATES (FIFRA [Federal Insecticide Fungicide Rodenticide Act] and TSCA [Toxic Substances Control Act] Enforcement System)

FTTS (FIFRA/TSCA Tracking System)

CERCLIS

DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes)

FURS (Federal Underground Injection Control)

FRDS (Federal Reporting Data System)

SIA (Surface Impoundments)

CICS (TSCA Chemical in Commerce Information System)

PADS

RCRA-J (medical waste transporters/disposers)

TRIS
TSCA

The source of this database is the U.S. EPA/NTIS.

FRS

The Facility Registry System is a centrally managed database that identifies facilities, sites or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, data collected from EPA's Central Data Exchange registrations and data management personnel. The FRS provides Internet access to a single integrated source of comprehensive (air, water, and waste) environmental information about facilities, sites or places. For additional information go to [http://iaspub.epa.gov/edr/frs\\$.startup](http://iaspub.epa.gov/edr/frs$.startup)
HAZNET / CA HAZNET

This database contains data that is extracted from the copies of hazardous waste manifests received each year by the DTSC. The annual volume of manifests is typically 700,000 to 1,000,000 annually, representing approximately 350,000 to 500,000 shipments. Data from non-California manifests and continuation sheets are not included at the present time. Data are from the manifests submitted without correction, and therefore may contain some invalid values for data elements such as generator identification, TSD (Treatment, Storage and Disposal) identification, waste category, and disposal method. The source agency is the Department of Toxic Substance Control (DTSC).

HIST UST / HISTORICAL UST

Historical Underground Storage Tank database.

HMIRS

The Hazardous Materials Incident Report System contains hazardous material spill incidents reported to the Department of Transportation. The source of this database is the U.S.EPA

LUST

Leaking Underground Storage Tanks. The LUST database contains an inventory of incidence reports concerning leaking underground storage tanks. The data come from the State Water Resources Control Board Leaking Underground Storage Tank Information System.

mg/l milligrams per liter

MTBE

MTBE (methyl tertiary-butyl ether) is a chemical compound that is manufactured by the chemical reaction of methanol and isobutylene. MTBE is produced in very large quantities (over 200,000 barrels per day in the U.S. in 1999) and is almost exclusively used as a fuel additive in gasoline. It is one of a group of chemicals commonly known as "oxygenates" because they raise the oxygen content of gasoline. At room temperature, MTBE is a volatile, flammable and colorless liquid that dissolves rather easily in water. MTBE has been used in U.S. gasoline at low levels since 1979 to replace lead as an octane enhancer (helps prevent the engine from "knocking"). Since 1992, MTBE has been used at higher concentrations in some gasoline to fulfill the oxygenate requirements set by Congress in the 1990 Clean Air Act Amendments.

NCDB

The National Compliance Data Base system (NCDB) tracks regional compliance and enforcement activity for the National Pesticides and Toxic Substances Compliance and Enforcement program. The system tracks compliance monitoring and enforcement activities from the time an inspector conducts an inspection until the inspector closes the case or settles any resulting enforcement action(s). NCDB is the national repository of data from the regional and Headquarters FIFRA/TSCA Tracking Systems (FTTS). Most of the data collected in FTTS is transferred to NCDB to support national program management and accomplishment reporting for the following programs:

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Toxic Substances Control Act (TSCA)
- Emergency Planning and Right-to-Know Act, Section 313 (EPCRA)
- Asbestos Hazard Emergency Response (AHERA)

NET

National Emissions Trends. The National Air Pollutant Emission Trends Report(s) presents the estimate of national emissions of the criteria air pollutants. The emissions of each pollutant are estimated for many different source categories, which collectively account for all anthropogenic emissions. Annual reports present the total emissions from all 50 states and serve as a measure of our nation's progress in reducing air pollution emissions as a result of mandatory and voluntary controls and of continuous changes in national activity.

NOTIFY 65

Notify 65 records contain facility notification about any release that could impact drinking water and thereby expose the public to a potential health risk. The data come from the State Water Resources Control Board's Proposition 65 database.

NTI

National Toxics Inventory. EPA's Emission Factor and Inventory Group prepares a national database of air emissions information with input from numerous State and local air agencies, from tribes, and from industry. This database contains information on stationary and mobile sources that emit criteria air pollutants and their precursors, as well as hazardous air pollutants (HAPs). The database includes estimates of annual emissions, by source, of air pollutants in each area of the country, on an annual basis.

OES Office of Emergency Services

PCBs

Polychlorinated biphenyls are mixtures of up to 209 individual chlorinated compounds (known as congeners). There are no known natural sources of PCBs. PCBs are either oily liquids or solids that are colorless to light yellow. Some PCBs can exist as a vapor in air. PCBs have no known smell or taste. Many commercial PCB mixtures are known in the U.S. by the trade name Aroclor.

PCBs have been used as coolants and lubricants in transformers, capacitors, and other electrical equipment because they don't burn easily and are good insulators. The manufacture of PCBs was stopped in the U.S. in 1977 because of evidence they build up in the environment and can cause harmful health effects. Products made before 1977 that may contain PCBs include old fluorescent lighting fixtures and electrical devices containing PCB capacitors, and hydraulic oils.

PCS

The Permit Compliance System database provides information on companies which have been issued permits to discharge waste water into rivers. You can review information on

when a permit was issued and expires, how much the company is permitted to discharge, and the actual monitoring data showing what the company has discharged. The [Water Discharge Permits Query](#) allows you to retrieve preselected data from the PCS database in Envirofacts. The site also contains information on related [laws and regulations](#).

RCRAINFO

[RCRAInfo](#) provides access to hazardous waste data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984.

RCRIS

Resource Conservation and Recovery Act database, which includes selected information on sites that generate, store, treat, or dispose of hazardous waste as defined by the Act. The source of this data base is the U.S. EPA

RCRIS-LQG

That part of the Resource Conservation and Recovery Act database that deals with Large Quantity Generators. The definition of Large Quantity Generator is complex, but a simplified version is any site that generates more than 2,200 lbs of RCRA waste in a single month, accumulates more than 2.2 lbs of RCRA acute hazardous waste in any single month, or accumulates more than 220 lbs of spill cleanup material contaminated with RCRA acute hazardous waste in any month.

RCRIS-SQG

That part of the Resource Conservation and Recovery Act database that deals with Small Quantity Generators.

RWQCB

[Regional Water Quality Control Board](#).

SLIC

[Spills, Leaks, Investigation and Cleanup](#) database, also referred to as CA SLIC. SLIC Region information comes from the California Regional Water Quality Control Board.

TRIS

The [Toxic Chemical Release Inventory System](#) identifies facilities that release toxic chemicals to the air, water, and/or land in reportable quantities under SARA Title III, Section 313. The source of this database is the U.S.EPA.

TSCA

The [Toxic Substances Control Act](#) identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site. The U.S. EPA has no current plan to update and/or re-issue this database.

USACE

[United States Army Corps of Engineers](#)

UST

[Underground Storage Tank](#). The UST database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data comes from the State Water Resources Control Board's Hazardous Substance Storage Container database.

ADJACENT PROPERTIES WITHIN THE CITY OF ALAMEDA:

- (23) US Navy-Marine Corp Reserve Center
2144 Clement Ave.
Alameda, CA 94501

This property is listed under HAZNET (S104582552) for storage of organic solids; off-specification, aged, or surplus inorganics; other inorganic solid waste; and other empty containers of 30 gallons or more. There are no indications of any pending actions or releases to the environment.

- (40) Dutra Construction Co. Inc.
2199 Clement Ave.
Alameda, CA 94501

This property is listed under RICRIS-SQG (1000597021), FINDS (CAD983610155) and HAZNET as a Small Quantity Generator with unspecified organic liquids and other organic solids.

- (40) Smith-Rice Company Yard
2199 Clement Ave.
Alameda, CA 94501

This property is listed under HISTORICAL UST as having a 6,000-gal. tank containing unleaded fuel. It is also listed under HAZNET and CA FID UST for unspecified oil-containing wastes.

- (43) Park Street Landing
2301 Blanding Ave.
Alameda, CA 94501

This property is listed under CORTESE (S102434979) and by LUST, Alameda County, as having a storage tank.

- (44) S. K. Auto Sales
2241 Clement
Alameda, CA 94501

This property is listed under HAZNET (S1039858510) for having aqueous solutions with less than 10% total organic residues on site.

- (44) Nelson, Harrold
2241 Clement St.
Alameda, CA 94501

This property is listed under HAZNET (S103643232) for having asbestos-containing waste on the property.

- (44) Engine Works
2241 Clement
Alameda, CA 94501

This property is listed under HAZNET (S103643231) for aqueous solutions with less than 10% total organic residues.

- (44) Clement Avenue Project
2241 Clement Ave.
Alameda, CA 94501

This property is listed under the LUST Program (S103576438) as having waste oil contaminated soil discovered during a tank removal. The database states that the contaminated soil was excavated under the Local Oversight Program (Case number 1325) and disposed of in an appropriate manner. The case is closed.

- (44) 2241 Clement Ave,
Alameda, CA 94501

This property is listed under the LUST Program (S105620077) as Regional Water Board Site Number 1325 (case closed).

- (44) CAL Steel Coating Co.
2241 Clement Ave.
Alameda, CA 94501

This property is listed under HAZNET (S103953968) for having off-specification, aged, or surplus organics. It is also listed under FINDS (1004440532, 110001184673) which includes AIRS/AFS (AIRS Facility System), FRS (Facility Registry System), NET (National Emissions Trends), and NTI (National Toxics Inventory) databases.

- (44) Reliance Sheet & Strip Company
2235 Clement Ave.
Alameda, CA 94501

This property is listed under HISTORICAL UST (U001596158) as having a tank containing regular product on site. The database does not indicate if the tank had been removed.

- (44) Nelson Marine
2229 Clement Ave.
Alameda, CA 94501

This property is listed under HAZNET (S101641239) for metal dust (waste from machining operations); for alkaline solutions containing metals (antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium and zinc); and for photo chemicals / photo processing wastes. The property is also listed under SLIC Region 2 (Facility ID 01S0274) for subsurface chemical pollutants. The property is currently undergoing remediation under a Regional Water Quality Control Board Tentative Board Order.

- (45) Perforce Software Inc.
2320 Blanding
Alameda, CA 94501

This property is listed under HAZNET (S105086098) as having had asbestos-containing waste which was disposed of at an offsite landfill.

- (46) UNKNOWN
2235 Clement Ave.
Alameda, CA

This property is listed under NOTIFY 65 (S100179085) as having had an incident (spill) description 92405. No other information is currently available.

- (51) American Speedy Printing
2327 Blanding Ave. STE F
Alameda, CA 94501

This property is listed under CLEANERS (CAL000099117) as inactive since 06/30/1998. It is also listed under HAZNET (S100929462) as having photo chemicals / photo processing waste generated on-site.

- (53) 2424 Blanding
Alameda, CA

This property is listed under LUST (S105619681) and under the Alameda County LUST Program as Facility ID RO0000671. No further information is available except that the case is closed.

- (53) First Samoan Congregation Church
2425 Blanding Ave.
Alameda, CA. 94501

This property is listed under HAZNET (S105084810) as having other empty containers 30 gallons or more. Containers are disposed of through recycling.

- (53) Allied Engineering and Prod. Corp.
2421 Blanding Ave.
Alameda, CA 94501

This property is listed on HAZNET (S100929246) as having unspecified oil-containing waste, unspecified solvent mixture waste, and waste oil and mixed oil. It is also listed under SLIC Region 2 as an inactive facility and a closed case.

- (57) Stone Boat Yard
2517 Blanding Ave.
Alameda, CA 94501

This property is listed on HAZNET (S102002612) as having oxygenated solvents (acetone, butanol, ethyl acetate, etc.) and asbestos-containing waste.

- (59) Blanding / Park (North side of Park)
Alameda, CA 94501

This property was reported under CHMIRS (S100219411) as a below ground oil release (OES Control Number 9009670) of an unspecified quantity of oil which occurred on January 11, 1990. No other information is currently available.

(62) Fuji Trucolor, Inc.
2639 Blanding Ave.
Alameda, CA 94501

This property was reported under HAZNET (S102813028) as having metal sludge, an alkaline solution with metals (antimony, arsenic, barium, beryllium, cadmium, cobalt, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc), and other inorganic solid waste.

(62) Classic Cleaners
2631 Blanding Ave.
Alameda, CA 94501

This property was listed under RCRIS-SQG (1000374406) as a small quantity generator (SQG). The FINDS database (CAD982414971) identified the site under AIRS/AFS, FRS, NET, NTI, and RCRAINFO. HAZNET (no EPA identification number given) lists the site as having liquids with halogenated organic compounds greater than 1000 mg/l. The CLEANERS database, under CA Cleaners, lists the site as inactive on 01/01/1995.

(65) Alpha Beta
2691 Blanding Ave.
Alameda, CA 94501

This property is listed under CORTESE (S100223508) as having a leaking underground storage tank. No other information is available at this time.

(67) Clifford E. Mapes, Inc.
2001 Versailles Ave.
Alameda, CA

Properties listed under (67) may not be adjacent.

This property is listed under the LUST database (S101306285) as being under the Local UST Oversight Program for a leaking UST discovered during removal. The site is classified as "other ground water affected". Testing indicated MTBE present. No action is indicated as having been taken. The property is also listed under LUST Region 2 (Case Number T0600100798) with a case closed status and in CORTESE. (ID 01-0864).

(67) 2001 Versailles Ave.
Alameda, CA

This property is listed under LUST (S105619647) as RWQCB Site ID 607 with a case closed status as of 2/1/99.

(67) EXXON Co.
2001-A Versailles
Alameda, CA 94501

This property is listed under RCRIS-SQG (1000336470) as a small quantity generator. It is also listed in FINDS (CAT000646133) under both FRS and RCRAINFO.

(78) Station "B"
3133 Marina Drive
Alameda, CA 94501

This property is listed under HISTORICAL UST (U001596162) as having a 600 gallon product tank. There is no indication that the tank has been removed.

(82) 3253 Fernside Drive
Alameda, CA 94501

This property is listed under CHMIRS (S105671157). A petroleum sheen was reported by an unknown caller to OES (Control Number 01-6074). No additional information is available at this time.

(84) 3313 Fernside Drive
Alameda, CA 94501

This property is listed under CHMIRS (S100276472). A diesel spill of 5 gallons was reported on 19 October 1990 to OES (Control Number 9099637). The property is also listed on the ERNS database (8873500).

ADJACENT PROPERTIES WITHIN THE CITY OF OAKLAND:

- (4) Oakland Port of Monsanto Co.
Dennison St. and Embarcadero St.
Oakland, CA 94607

This property is listed under RCRIS-SQG (1000985074) as a Small Quantity Generator (SQG). It is also listed under HAZNET (CAR000001842) as having aqueous solutions with 10% or more total organic residues, unspecified oil containing wastes, other organic solids, and waste potentially containing dioxins. FINDS found similar listings under both FRS and RCRAINFO.

- (5) 2301 Embarcadero Union Pt. Basin Marina
Oakland, CA

This property is listed under ERNS (93316402). No other information is available at this time.

- (8) Conagra Inc.
2201 E. 7th St.
Oakland, CA 94606

This property is listed under HAZNET (S103642665, 1002850836) as having other organic solids, laboratory waste chemicals, waste oil mixed oil, asbestos-containing waste, liquids with halogenated organic compounds greater than 1000 mg/l, and unspecified oil-containing waste. It is also listed in CORTESE (ID 01-0442) as having a leaking underground storage tank. FINDS also shows the property listed in the AIRS/AFS, FRS, and NET databases.

- (20) Sea Power Marine
333 Kennedy St.
Oakland, CA 94606

This property is listed under RCRIS-SQG (1004676328) as a Small Quantity Generator (SQG). FINDS shows the property also listed on the FRS and RCRAINFO databases. HAZNET (S104233679) lists the property as having aqueous solutions with less than 10% total organic residues and off-specification, aged, or surplus organics on the property.

- (20) Rhodes & Jamieson Batch P
333 Kennedy St.
Oakland, CA 94606

The property is listed in CORTESE (S102435840; Reg. ID 01-1238) for a leaking underground storage tank.

- (20) Right Away Redy Mix, Inc.
401 Kennedy St.
Oakland, CA 94606

This property is listed on the HISORICAL UST database (U001599136) as having a 12,000 gallon tank containing diesel fuel. The LUST database (1000593721) lists the removal of a leaking diesel tank and subsequent tank and soil removal under the Local Oversight Program for USTs and is noted as case closed. The property is also listed under CORTESE (Reg. ID 01-1241) and FID (01001360). It is not clear if these entries relate to the same tank but the time periods given in each database indicate that it probably is. The property is also listed under HAZNET (S100943522) as having unspecified organic liquid mixtures and oil/water separation sludge on the property.

- (20) Moore and Sons Trucking
410 Kennedy St.
Oakland, CA 94606

This property is listed under RCRIS-SQG (1000985075) as a Small Quantity Generator (SQG). FINDS (CAR000001859) shows the property listed on the FRS and RCRAINFO databases.

- (34) Oakland Yard 019-072-015-00
333 23rd Ave
Oakland, CA

This property is listed on the CA FID UST (S101629608) database. No other information is currently available.

- (35) Iconoco Corp.
2901 Glascock Rd.
Oakland, CA 94601

This property is listed under HAZNET (S105090934) as having liquids with halogenated organic compounds greater than 1000 mg/l on site.

- (35) Traders Paradise
2904 Glascock
Oakland, CA 94601

This property is listed under HAZNET (S101629608) as having aqueous solutions with less than 10% total organic residues and other inorganic solid waste on site.

- (35) Glascock St. Prop.
2901 Glascock St.
Oakland, CA

This property is listed under HAZNET (S103649871) as having polychlorinated biphenyls (PCBs) and material containing PCBs on site.

- (35) 2901 Glascock St.
Oakland, CA

This property is listed on the LUST database (S105619465) as local site number 1138. No other information is available.

- (35) Glascock Partners
2901 Glascock St.
Oakland, CA 94612

This property is listed under HAZNET (S102803809) as having polychlorinated biphenyls (PCBs) and material containing PCBs on site.

- (35) Glascock Ave. Warehouse
2901 Glascock Ave.
Oakland, CA 94601

This property is listed on the LUST database (U003300232) as having a Preliminary Site Assessment and Work Plan dated 1/2/1965 for removing diesel contaminated soil. There is no information if the site was remediated but does show a stop date of 3/31/1999.

- (36) Seaworks Inc. Warehouse
333 29th Avenue
Oakland, CA 94606

This property is listed on HAZNET (S100873690) as having unspecified organic liquid mixtures on site.

- (49) Iconoco California, Inc.
303 Derby Ave.
Oakland, CA 94601

This property is listed under RCRIS-SQG (1000318052) as a Small Quantity Generator (SQG). FINDS (CAD981436009) shows the property listed on both the FRS and RCRAINFO databases. HAZNET lists the property as having unspecified organic liquid mixtures on site. The State LUST Program (Case Number 38-1114) indicates closure of a tank containing heater fluid and impacted soil as of 8/14/1996. A warning/notice of violation to uncooperative responsible parties (includes a Cease and Desist Order and a Cleanup and Abatement Order) was issued to the property owner. The property is also listed on the CORTESE database (Reg. ID 38-1114).

- (49) Simmons Terminal Corp
315 Derby Ave.
Oakland, CA 94601

This property is listed under RCRIS-SQG (1000301608) as a Small Quantity Generator (SQG). It is also listed on the HISTORICAL UST database as having a 500 and a 280 gallon tank containing unleaded fuel.

- (49) Petro-Stop, Inc.
315 Derby Ave.
Oakland, CA 94601

This property is listed on CORTESE (S101624291) and CA FID UST as having a 10,000 gallon tank containing unleaded fuel and a 12,000 gallon tank containing diesel fuel on site.

- (49) Shell Oil Co. Oakland Plant
315 Derby Ave.
Oakland, CA 94601

This property is listed under RCRIS-SQG (1000288015) as a Small Quantity Generator (SQG). FINDS (CAD0000631200) shows the property listed on the FRS and RCRAINFO databases.

- (54) U C Household Shipping Co. (024-0663-002-01)
333 Lancaster St.
Oakland, CA 94601

This property is listed under RCRIS-SQG (1000118205) as a Small Quantity Generator (SQG). FINDS (CAD981692122) located the site on both the FRS and RCRAINFO databases.

(63) 3600 Alameda Ave.
Oakland, CA

This property is listed on the LUST database (S105619338). No other information is given.

(63) Owens Illinois, Inc.
3600 Alameda Ave.
Oakland, CA 94607

This property is listed in the LUST database (S103881513) as having discovered a leaky diesel tank during closure in 1987 (State LUST case number 01S0071). A Work Plan was completed 2/5/1995 and a Preliminary Site Assessment is listed as in progress as of 1995. RCRIS lists the owner, OI Glass Containers, as a Large Quantity Generator (LQG) with waste categories D001 (Ignitable), D002 (Corrosive), D007 (Chromium), D008 (Lead), D018 (Benzene), D039 (Tetrachloroethylene), D040 (Trichloroethylene), and F005 (spent nonhalogenated solvents and solvent mixtures) on site in reportable quantities. Two compliance violations are listed for the site as of 1998. HAZNET (1000319786) lists the presence of liquids with halogenated organic compounds greater than 1000 mg/l, unspecified oil-containing waste, unspecified organic liquid mixture and alkaline solutions with metals (antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc). The CA HAZNET database contained over 200 records for this site.

The property is also listed on the CORTESE, RICRIS-LQG, TRIS, CA FID UST and HISTORICAL UST databases. FINDS lists the site in AIR/AFS, BRS, FRS, NCDB, NET, NTI, RCRAINFO and TRIS. HISTORICAL UST indicates there are 11 tanks located on the property containing primarily diesel fuel, product and waste oil.

(75) 344 High Street
Oakland, CA 94601

This property is listed on the HIST UST (U001599004) as having 7 tanks on the property containing product (unspecified), diesel fuel, unleaded fuel, and waste oil. The property is also listed on CORTESE (S101624286, 01-0677) and CA FID UST.

(75) Gallagher & Burke Inc.
344 High Street
Oakland, CA 94601

FINDS found this property listed in AIRS/AFS, FRS, NET, and NTI.

(76) Hanson Aggregates Mid-Pacific
4501 Tidewater
Oakland, CA 94601

The property is listed in AST (A100184334) as having an aboveground storage tank. The property is also listed in CA WDS (S104586535) as have a waste discharge permit to discharge 0.04 million gal/day.

- (76) Tidewater Sand & Gravel
4501 Tidewater Ave.
Oakland, CA 94601

This property is listed in HAZNET (U001599032 / S101624303) as having Other Organic Solids, liquids with halogenated organic compounds greater than 1000 mg/l, unspecified organic liquid mixture, and off-specification, aged, or surplus organics. FINDS found this property listed in FRS and PCS. The property is also listed under LUST (case number 2098 – case closed), CORTESE, and HISTORICAL UST, which lists 4 tanks on the property.

- (76) James A. Peterson
4501 Tidewater Ave.
Oakland, CA 94601

This property is listed under HAZNET (S103660328) as having other empty containers 30 gallons or more, and waste oil and mixed oil.

- (76) California Stevedore & BA
4500 Tidewater
Oakland, CA 94601

This property is listed in the LUST database (S102426137) and CORTESE (01-1743, local case 4456) as having remediated a leaking tank (case closed).

- (77) 4575 Tidewater
Oakland, CA 94601

This property is listed in ERNS (94392488) and HMIRS (2000101077, 9900013016, 20015724, 2002084652, 2002084654, 200113916, and 96040623). No further information is currently available at this time.

- (77) ABF Freight Systems, Inc.
4575 Tidewater Ave.
Oakland, CA 94601

This property is listed in RICRIS-SQG (1000114617) as a Small Quantity Generator (SQG); under HAZNET for having oil/water separation sludge and waste oil and mixed oil on site. FINDS located the site on FRS and RCRAINFO. CORTESE, FID and HISTORICAL UST list the site as having storage tanks for unspecified product, diesel, regular, and waste oil on site.

- (80) White Brothers
4801 Tidewater Way
Oakland, CA 94601

This property is listed in LUST (S102441244) and CORTESE as having had a leaking diesel tank on the property. The impacted soil is reported as having been removed from the site.

- (81) Eastshore Lumber
4831 Tidewater Ave.
Oakland, CA 94601

This property is listed on HAZNET (S102805700) as having asbestos-containing waste on the property.

(81) Gary Nohr
4831 Tidewater Ave
Oakland, CA 94601

This property is listed in HAZNET (S103965630) as having asbestos-containing waste and other empty containers 30 gallons or more on the property.

ENCLOSURE 4
RESCISSION OF BOARD ORDER

ENCLOSURE 5

CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions

1. CERCLA NOTICE

For the Property, the GRANTOR provides the following notice, description, and covenants and retains the following access rights:

A. Notices Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C §§ 9620(h)(3)(A)(i)(I) and (II):

Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C §§ 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time which such substances were stored, released, or disposed of on the Property, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof.

B. Description of Remedial Action Taken, if Any, Pursuant to Section 1230(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit B, attached hereto and made a part hereof.

2. CERCLA COVENANT

A. Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(ii) and (B)):

Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(ii) and (B)), the United States warrants that:

(1) all remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the Property has been taken before the date of this Deed, and

(2) any additional remedial action found to be necessary after the date of this Deed shall be conducted by the UNITED STATES.

This warranty shall not apply in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such property. For purposes of this warranty, The Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the property on the date of this instrument, provided that The Grantee has not caused or contributed to a release of such hazardous substance.

3. CERCLA RIGHT OF ACCESS

A. Access rights pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C §9620(h)(3)(A)(iii)):

(1) The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial action or corrective action is found to be necessary on the part of the UNITED STATES, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the UNITED STATES to meet its responsibilities under applicable laws, and as provided for in this instrument. Such easement and right of access shall be binding on the GRANTEE, its successors and assigns, and shall run with the land.

(2) In exercising such easement and right of access, the UNITED STATES shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The UNITED STATES shall use reasonable means to avoid and to minimize interference with the GRANTEE'S and the GRANTEE'S successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the UNITED STATES. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the UNITED STATES.

(3) In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the UNITED STATES or any officer or employee of the UNITED STATES based on actions taken by the UNITED STATES or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause; provided, however, that nothing in this paragraph shall be considered a waiver by the GRANTEE or its successors and assigns of any remedy available under the Federal Tort Claims Act.

4. "AS IS" CONDITION

A. The GRANTEE acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the Property. The

GRANTEE understands and agrees that the Property is conveyed in its “AS IS” condition without any representation, warranty, or guaranty by the GRANTOR as to quantity, quality, title, character, condition, size, or kind, or that the same is in a suitable condition or fit to be used for the purpose(s) intended by the GRANTEE, and no claim for allowance or deduction upon such grounds shall be considered.

B. No warranties, either express or implied, are given with regard to the condition of the Property including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The GRANTEE shall be deemed to have relied solely on its own judgment in assessing the overall condition of the Property including, without limitation, the presence of any asbestos, lead-based paint, or other conditions on the Property. The failure of the GRANTEE to inspect or to exercise due diligence to be fully informed as to the condition of the Property shall not constitute grounds for any claim or demand against the UNITED STATES.

C. Nothing in this “AS IS” condition provision shall be construed to modify or negate the GRANTOR’S obligation under the covenant pursuant to section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)), or any other statutory obligations.

5. HOLD HARMLESS

A. To the extent authorized by law, the GRANTEE, its successors and assigns, covenant and agree to indemnify and hold harmless the GRANTOR, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the covenants, conditions, and restrictions in this Deed by the GRANTEE, its successors and assigns, as applicable, and (2) any and all claims, damages and judgments arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, or other condition on any portion of the Property related to a discharge or exposure taking place after the date of conveyance and during the GRANTEE’S, its successors’ and assigns’ ownership of such portion of the Property.

B. The GRANTEE, its successors and assigns, covenant and agree that the GRANTOR shall not be responsible for any costs associated with modification or termination of the covenants, conditions, and restrictions in this Deed including, without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property related to a discharge or exposure taking place after the date of conveyance and during the GRANTEE’S, its successors’ and assigns’ ownership of such portion of the Property.

C. Nothing in this Hold Harmless provision shall be construed to modify or negate the GRANTOR’S obligation under the covenant pursuant to sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation,

and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)), or any other statutory obligations.

6. POST-TRANSFER DISCOVERY OF CONTAMINATION

A. If an actual or threatened release of a hazardous substance or petroleum product is discovered on the Property or any individual Parcel(s), after the date of conveyance, the GRANTEE, its successors or assigns, shall be responsible for such release or threatened release of such newly discovered substance, unless the GRANTEE, its successors or assigns is able to demonstrate that such release or newly discovered hazardous substance or petroleum product was due to the GRANTOR'S activities, use, or ownership of the Property. If the GRANTEE, its successors or assigns, believes the discovered hazardous substance or petroleum product was due to the GRANTOR'S activities, use or ownership of the Property, the GRANTEE, its successors or assigns will immediately secure the site and notify the GRANTOR of the existence of the hazardous substance or petroleum product and the GRANTEE, its successors and assigns shall not further disturb or allow the disturbance of such hazardous substance or petroleum product without the prior written permission of the GRANTOR.

B. The GRANTEE, its successors and assigns, as part of the consideration for the conveyance of the Property or any individual Parcel(s), agree to release the GRANTOR from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance or petroleum product on any portion of the Property related to a discharge or exposure occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property or any individual Parcel(s) by the GRANTEE, its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the GRANTOR'S responsibility to conduct response actions or corrective actions that are required by applicable laws, rules and regulations.

7. NON-DISCRIMINATION COVENANT

The GRANTEE, its successors and assigns, covenant that such GRANTEE, its successors and assigns, shall not discriminate upon the basis of race, creed, color, religion, sex, disability, age, or national origin in the use, occupancy, sale or lease of any Parcels(s), or in its employment practices conducted on or in relation to the Parcel(s), as long as it holds such interest to the Parcel(s). For the avoidance of doubt, the foregoing covenant shall constitute, with respect to each and every Parcel, a "covenant that runs with the land" that applies to and that obligates the GRANTEE, its successors and assigns. The UNITED STATES shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Parcel(s) and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

8. ANTI-DEFICIENCY ACT

The GRANTOR's obligation to pay or reimburse any money under the Deed is subject to the availability of funds appropriated for this purpose to the Department of the Army and nothing in the Deed shall be interpreted to require obligations or payments by the GRANTOR in violation of the Anti- Deficiency Act, 31 U.S.C. § 1341.

9. NO WAIVER

The failure of the GRANTOR to insist in any one or more instances upon complete performance of any obligation of the GRANTEE, its successors or assigns required by the covenants, conditions, or restrictions set forth in the Deed shall not be construed as a waiver or a relinquishment of the GRANTOR'S right to the future performance of any such obligation of the GRANTEE, or its successors or assigns, required by said covenants, conditions, and restrictions, and such obligations of the GRANTEE, its successors and assigns, shall continue in full force and effect.

ENCLOSURE 6
FONSI AND ENVIRONMENTAL ASSESSMENT

ENCLOSURE 7
RESPONSIVENESS SUMMARY

**Responsiveness Summary
Environmental Assessment
Oakland Inner Harbor Tidal Canal
Surplus Property Divesture**

Dated: May 2016

This summary documents the written comments received on the Environmental Assessment (EA) during the comment period of July 22, 2016 through August 12, 2016. The written comments received follow this summary.

Commenter	Comment Summary	Comment Response Taken
Aileen N Hodgkin	Requested a paper copy of the EA.	Paper copy was provided. No effect on the EA.
Jerry D. Andersen	Requested a paper copy of the EA.	Paper copy was provided. No effect on the EA.
Lucy Seereiter	Concern with how the parcel will be sub divided by the City of Alameda. This is beyond the scope of the EA	This was discussed with Ms. Seereiter and her concerns were forwarded to the City of Alameda. No effect on the EA.
Edward R. Payne	Expressed his support for this transfer and how it will hopefully streamline the permit process.	Comment noted. No effect on the EA
Charles & Judy Woo	Expressed interest in the transfer and requested a paper copy of the EA.	Paper copy was provided. No effect on the EA.
Paul Mabry	Expressed his support for moving forward with the transfer process but also expressed concerns on the sub division of the property. Detailed a history of homeowner improvements made along the Alameda side of the canal which likely have prevented erosion and perhaps federal costs over time. He wanted to ensure that homeowner contributions have not been overlooked.	Homeowner contributions, may have aided in the protection of the canal banks, however any of these improvements are not a part of this actual transfer. No direct effect on the EA. Comment was forwarded to the City of Alameda.

None of the comments received had a direct effect on the EA as written. The nature of the concerns expressed had to do primarily with how the property will be sub divided and conveyed by the City of Alameda. This action is beyond the scope of this document and therefore no changes are to be made to the EA which was made available to the public for review. No comments were received that would indicate any impacts from this federal action that would warrant the preparation of an EIS.

This concludes the public review process for this federal action and a Finding of No Significant Impact (FONSI) will be prepared for signature.