



# Interoffice Memo

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**DATE:** September 18, 2023

**TO:** Kirk DeJesus, Port Director

**FROM:** Jeff Wingfield, Deputy Port Director, Regulatory & Public Affairs  
Jason Cashman, Environmental & Regulatory Affairs Manager

**RE:** Emergency Declaration Update

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## **REQUESTED ACTION**

A. Adopt a finding continuing the August 21, 2023 Emergency Declaration.

## **EMERGENCY DECLARATION**

### **Declaration of Emergency – Shoaling**

During the August 21, 2023 Board of Port Commissioners meeting, the Board adopted a finding that an emergency exists due to significant shoaling in the Stockton Deep Water Ship Channel (Channel) in the vicinity of Light 48 and in the Sediment Trap at the confluence of the San Joaquin River and the Channel. The shoaling is the result of the significant rainfall that occurred over the winter which contributes to unusually high flows in the river system and increased sedimentation.

The Board also determined that, due to the emergency, there was a superior public interest and necessity demanded the immediate expenditure of public funds to safeguard life, health or property (PCC Sec. 20751.1). The Board authorized a contract to remove sediment from the Port's dredged material placement site (DMPS) to provide sufficient capacity to place dredged material from the Corps' maintenance dredging effort without following the public bidding requirements.

### **California Public Contract Code (PCC) Requirements**

Once the Board orders an emergency action it must comply with PCC Section 22050(c)(1), which states:

If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting

and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

Pursuant to Section 22050(c)(1), Port staff is providing an update to the Board regarding the status of the emergency at the next regularly scheduled meeting on September 18, 2023.

Further, the Board must, pursuant to Section 22050(c)(3), terminate the emergency action at the earliest possible date that conditions warrant so the remainder of the emergency action may be completed by giving notice for bids to let contracts.

### **Emergency Shoaling Update**

The Corps' dredging contractor, Ross Island, has been dredging the shoal located in the vicinity of LT 48 and other areas within the boundary of the Channel since July 27, 2023. Ross Island has indicated the shoal at LT 48 has been removed. However, recent hydrographic surveys have shown significant shoaling remains in the Sediment Trap, Berth 12/13, and other areas within the Channel.

Also, communications with the San Francisco Bar Pilots indicate substantial shoaling is still occurring and impacting the southern end of Berth 12/13, Sediment Trap, and an area of the Channel immediately adjacent to the West Complex leading to potentially significant hazards to safe navigation.

The shoaling is continuing to have negative impacts on vessel safety and is causing significant vessel delays.

The shoaling conditions remain of significant concern since the San Joaquin River still has high flow volumes which continue to bring more sediment into the Sediment Trap, the Berth 12/13 area, and within the Channel. The high flows are expected to continue into the foreseeable future.

The Port will continue to monitor the emergency shoaling conditions and provide updates.

### **Staff Recommendation**

- A. Port staff recommends that the Board continue the emergency declaration until evidence shows that the shoals and associated hazards to navigation and safety have been cleared.