

June 12, 2023

TO: Seaport Planning Advisory Committee

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SUBJECT: Staff Report for Bay Plan Amendment No. 1-19, an update to the San Francisco Bay Area Seaport Plan

(For Committee consideration on July 25, 2023)

Executive Summary

The purpose of the July 25, 2023, Seaport Planning Advisory Committee (SPAC) meeting is for the SPAC to review and make an advisory recommendation to the San Francisco Bay Conservation and Development Commission (BCDC) regarding Bay Plan Amendment (BPA) 1-19. BPA 1-19 is a comprehensive update to the *San Francisco Bay Area Seaport Plan (Seaport Plan)*.

The *Seaport Plan* is incorporated by reference in the *San Francisco Bay Plan (Bay Plan)* and is used by BCDC to help guide its regulatory decisions on permit applications, consistency determinations, and related matters. As stated in the *Bay Plan*, there is not a single agency or port authority responsible for coordinating the planning and development of Bay Area port terminals. In the absence of a regional seaport plan, uncoordinated development of port facilities could lead to unnecessary Bay fill. The *Seaport Plan* was first published in 1982. It underwent a major update in 1996 and was amended in 2012 and 2022.

In January 2019, the Commission voted to initiate BPA No. 1-19 to undertake an update to the *Seaport Plan* to revise findings and policies, respond to requests from the ports to amend Port Priority Use Area boundaries, and create a new regional *Cargo Forecast*.

BCDC staff have worked collaboratively with the SPAC, the ports, state and local agencies, and other stakeholders, to create a new *Draft Seaport Plan (Draft Plan)*. The *Draft Plan* is the first comprehensive update to the *Seaport Plan* since 1996. The intent of this update is to:

- Remove outdated information and update and simplify the Plan's policies.
- Introduce new topic areas to align the *Seaport Plan* with BCDC's ongoing work on issues like climate change and environmental justice.
- Provide more flexibility for the ports and better clarity for permittees and permit staff.
- Amend the Port Priority Use Area boundaries to reflect shifts in cargo activity.

- Realign the *Seaport Plan* to better reflect the scope of BCDC's authority and encourage regional coordination.

The *Draft Plan* provides a more appropriate and effective regulatory framework for decision making. There is a greater emphasis on process and general standards the Commission should apply to different issues, rather than attempting to prescribe how the ports should develop over time.

The *Draft Plan* was distributed on June 12, 2023, to the SPAC and individuals who requested to be on the Interested Parties list for BPA 1-19. This staff report includes background information on the *Seaport Plan*, the staff's approach to updating it, and an analysis of proposed changes to findings, policies, and Port Priority Use Area boundaries.

BCDC staff would like to thank the members of the SPAC, port staff, and others who have contributed their time and attention to this process. Staff also want to emphasize that this is a *draft*, and that feedback and suggestions are welcome and encouraged. With that in mind, in finalizing the *Draft Plan* BCDC staff specifically seeks input from the SPAC as to the following topics:

1. Are the policies clear and accurate?
2. Will the simplification of the Marine Terminal designations provide flexibility for the ports while ensuring that we reserve adequate capacity as a region to accommodate future cargo growth?
3. Do SPAC members concur with the staff analysis that the proposed changes to Port Priority Use Areas will not detract from the regional capability to meet the projected growth in cargo?
4. Does the SPAC recommend that the Commission approve the Draft *Seaport Plan*?

How to review these materials:

The proposed revisions are extensive - the plan's introduction has been rewritten, most findings and policies have been revised, topic areas have been reorganized and restructured, and outdated information has been removed throughout.

Readers who are not familiar with the *2012 Plan* may wish to first familiarize themselves with the existing plan. The link is here: <https://www.bcdc.ca.gov/seaport/seaport.pdf>.

The staff report is organized as follows:

- Section I provides background information on the *Seaport Plan* and how staff approached this update.
- Parts II-V summarize and analyze proposed changes to the Plan.
- Appendix A contains a table with tracked changes to the *2012 Plan* policies. This will be most helpful to readers who are familiar with the *2012 Plan* and who want to see a strikethrough version of those policies.

BCDC staff thank everyone in advance for their feedback.

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Staff Report

I. Background

The following sections of this staff report describe the purpose of the *Seaport Plan*, how the Plan is implemented, the reason for updating it now, and how BCDC staff approached this work.

Purpose of the Seaport Plan

BCDC's role in planning and regulating seaport development activities derives from the McAteer-Petris Act. The McAteer-Petris Act has long served as the key California state law to preserve San Francisco Bay from indiscriminate filling. This law was enacted in 1965 and amended in 1969 to make BCDC a permanent agency and incorporate the policies of the *San Francisco Bay Plan (Bay Plan)* as state law.

The McAteer-Petris Act declares seaports to be among certain water-oriented land uses along the Bay shoreline that are essential to the public welfare of the Bay Area. It requires the *Bay Plan* to provide for adequate and suitable locations for these uses to minimize the future need to use Bay fill.

As stated in the *Bay Plan*, there is not a single agency or port authority responsible for coordinating the planning and development of Bay Area port terminals. In the absence of a regional seaport plan, uncoordinated development of port facilities could lead to unnecessary Bay fill.

The Commission, in collaboration with the five Bay Area ports, adopted the *Seaport Plan* in 1982 as a more specific application of the *Bay Plan*. The purpose of the *Seaport Plan* is to minimize the risk of uncoordinated, haphazard Bay fill and to encourage the ports to coordinate their planning and development.

BCDC uses the *Seaport Plan* in making port-related decisions on permit applications, federal consistency determinations, and related matters. The *Seaport Plan* also provides land use guidance to local governments for planning port areas. The *Seaport Plan's* findings and policies reflect BCDC's role as a state agency with regional, rather than city or port-specific, authority and jurisdiction.

For more background information about how the *Seaport Plan* fits into BCDC's laws and policies, please see the "Authority" section of the new *Draft Plan*.

How does the Seaport Plan work?

The *Bay Plan* designates areas for various kinds of water-oriented priority land uses within and outside of the Commission's 100-foot Shoreline Band jurisdiction (areas that are 100 feet landward of and parallel to the Bay jurisdiction, as statutorily defined), including sites designated for "Port Priority Use". Consistent with the *Bay Plan*, the *Seaport Plan* designates areas determined necessary for future port development as "Port Priority Use Areas" across the five Bay Area seaports, and then it applies specific findings and policies to these areas. Those

findings and policies are underpinned by a regional *Cargo Forecast* that provides information to inform the Commission's decision-making about port-related issues.

It's important to note that the *Seaport Plan*, as a more specific application of the *Bay Plan*, supplements the *Bay Plan* findings or policies and does not necessarily replace them. The *Bay Plan's* policies are still applicable to seaport-related decisions made by the Commission.

Structure of the existing 2012 Seaport Plan

The existing *Seaport Plan* received a major update in 1996 and was amended for minor changes several times. Most recently, it was amended in 2012 to update portions of the *Cargo Forecast* and updated again in 2022 to remove Howard Terminal from the Port Priority Use Area. For the purposes of this staff report, it will be referred to as the *2012 Plan*, when it last received a substantive update. However, the structure of the plan has not changed significantly since its original publication. Here is how the *2012 Plan* is structured:

- Introduction
- Part I: General Policies
- Part II: Designations
- Part III: Implementation

In short, the **Introduction** to the *2012 Plan* discusses the plan's goals, the approach taken to updating the plan, and the marine terminal capability analysis that was undertaken to designate sites for port development.

Part I contains general policies that apply to the Port Priority Use Areas, divided into the following topic areas: Cargo Forecast, Port Priority Use Areas, Marine Terminals, Container Terminals, Bulk Terminals, Dredging and Navigation, and Ground Transportation.

Part II applies the general policies in Part I to specific Port Priority Use Areas and Marine Terminals. Part II of the *2012 Plan* contains maps of each Port Priority Use Area, but Part II is more than just maps. This section of the plan designates—or allocates—projected cargo volumes to the five Bay Area ports. Specifically, the policies in Part II of the *2012 Plan* require each port to have the ability to accommodate certain annual cargo volumes by the end of 2020 at the expiration of the existing *Cargo Forecast*. A table for each port lists the designated marine terminals, their size, the number of berths they have, the type of cargo they should handle, and how much cargo they should theoretically be able to handle on an annual basis. Part II of the *2012 Plan* also has policies specific to each of the five ports.

Part III discusses the implementation of the *2012 Plan*, delineating the responsibilities and authorities of BCDC, the Metropolitan Transportation Commission (MTC), and other agencies, how the plan should be amended, and the need for further studies.

The new *Draft Plan* retains some of this structure, but staff propose significant changes to the findings, policies, marine terminal designations, and Port Priority Use Area maps, to make the *Seaport Plan* most effective in 2023 and beyond. This staff report will provide an overview of these proposed changes.

Reasons for updating the *Seaport Plan*

In January 2019, the Commission voted to initiate BPA 1-19 to undertake a comprehensive update to the *Seaport Plan*. There were several reasons to update the *Seaport Plan* at this juncture, including:

- Updating the regional *Cargo Forecast*, which expired in 2020.
- Removing outdated information and updating findings and policies.
- Introducing new topic areas.
- Amending Port Priority Use Area boundaries to reflect shifts in cargo activity.
- Realigning the *Seaport Plan* to better reflect the scope of BCDC's authority and encourage regional coordination.

The *Seaport Plan* has not been substantially overhauled since its publication in 1996, which presented a challenge in developing the new *Draft Plan*. In addition to the *Cargo Forecast's* expiration, much of the information in the *2012 Plan* is outdated, from the descriptions of port activities and projects, to individual findings and policies. Topics reflected in recently adopted *Bay Plan* policies like environmental justice or climate change are not specifically addressed in the seaport context in the *2012 Plan*. Port activities have physically moved over the past 30 years and some Port Priority Use Area boundaries are outdated.

Shifts in regional planning have occurred, too. Earlier versions of the *Seaport Plan* were developed as a cooperative planning effort of BCDC and MTC. The *Seaport Plan* constituted the maritime element of MTC's Regional Transportation Plan and was used by MTC to assist in making project funding decisions and managing the metropolitan transportation system. MTC has since published the *San Francisco Bay Area Goods Movement Plan* and *Plan Bay Area 2050*, and the *Seaport Plan* itself is not an effective driver of regional transportation planning efforts.

For all these reasons, staff undertook a comprehensive update to the *Seaport Plan*. The following section provides an overview of the approach that staff took to this work.

Planning process and timeline

The Commission can amend the Bay Plan only with approval of two-thirds of the entire membership of the Commission (18 affirmative votes). BCDC staff, the SPAC, the Commission, and members of the public all have roles in this process. The first step in this process was Commission initiation of consideration of BPA 1-19, which occurred in January 2019.

After the Commission initiated the amendment, BCDC worked collaboratively with the SPAC, the ports, state and local agencies, and other stakeholders to undertake the process of updating the *Seaport Plan*. BCDC also hired an independent consultant to develop a new regional *2019-2050 Bay Area Seaport Forecast (Cargo Forecast)* to inform the plan's findings and policies.

BCDC hosted five public SPAC meetings throughout the planning process to solicit feedback from the public and receive guidance from SPAC members. BCDC sent staff reports, presentation materials, and agendas, in advance of each meeting, and members of the public had opportunity to provide written and oral comments throughout the planning process.

The first three SPAC meetings, held between January 2019 and May 2020, focused on providing feedback on the development of the *Cargo Forecast*. Representatives of each of the five individual ports located in BCDC's jurisdiction provided direct feedback about their operations to inform and verify the forecast's data and findings, and the forecast was independently peer reviewed. The *Cargo Forecast* was approved by the SPAC at its third meeting in May 2020.

The fourth and fifth SPAC meetings, held in October 2020 and March 2021, focused primarily on evaluating individual requests submitted by the ports to amend the boundaries of their Port Priority Use Areas. To assess these requests, BCDC staff developed an alternatives analysis based on cargo throughput, and other supplemental topics including port planning and operations, land use, public access, sea level rise, and environmental justice.

After the fifth SPAC meeting, BCDC staff began discussions with the applicant of a separate proposed *Bay Plan* amendment (Bay Plan Amendment 2-19) to remove Howard Terminal from Oakland's Port Priority Use Area. Subsequently, staff had to pause work on BPA 1-19 for the *Seaport Plan* general update while BPA 2-19 was being evaluated because Assembly Bill 1191 (Bonta, 2019) required the Commission to make a determination on BPA 2-19 within 140 days of certification of the Environmental Impact Report by the City of Oakland (acting as CEQA lead agency) for a project referred to in that law as the "Oakland Waterfront Sports and Mixed-Use Project." On June 30, 2022, the Commission made a determination on BPA 2-19 and approved removal of Howard Terminal from Port Priority Use.

In Fall 2022, after BPA 2-19 was complete, staff resumed working on the *Seaport Plan* update. Due to the time that elapsed since the update was initiated, staff reached back out to the ports regarding the map changes they had previously requested to see whether any additional changes were needed. Staff also requested that each city or port undertake their own stakeholder outreach for consistency with the *Bay Plan* policies on Environmental Justice and Social Equity, commensurate with the nature of their requests, regarding their proposed map changes. Staff offered to provide support for outreach where needed. Brief summaries of the outreach undertaken by each port or city are included in Section IV of this report. Most of the requests submitted by the cities and ports reflect changes to port activities that have already occurred over time since the *Seaport Plan* was last updated.

During this process, BCDC staff undertook a comprehensive review of the *Seaport Plan's* General Policies and method of allocating cargo growth via the marine terminal designations. As a result, the *Draft Plan* has been substantially revised. Staff look forward to receiving feedback from the ports and other stakeholders on the new draft findings and policies.

After the SPAC meeting, staff will revise the *Draft Plan* if needed and circulate it with a staff report, preliminary recommendation, draft environmental assessment, and summary of comments to the Commission and all interested parties in advance of a Commission public hearing. The public hearing will provide an opportunity for the public to comment and Commissioners to ask questions about the *Draft Plan*. After the Public Hearing, BCDC staff will release a final recommendation and final environmental assessment regarding the amendment, which will include a response to public comments received on the preliminary recommendation. Public comments can be emailed to publiccomment@bcdc.ca.gov or sent in writing to:

San Francisco Bay Conservation & Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105

Finally, the Commission will vote on the proposed amendment at a meeting in Fall 2023.

A note on Howard Terminal

The Commission voted to remove the Port Priority Use Area from the Howard Terminal site in the Port of Oakland on June 30, 2022. However, the project remains subject to the requirements of AB 1191 (Bonta, 2019), which guides the development process for a project defined in that law as the “Oakland Sports and Mixed-Use Project.” As provided in section 8(b) of AB 1191:

If the port and the Oakland Athletics have not entered into a binding agreement by January 1, 2025, that allows for the construction of the Oakland Sports and Mixed-Use Project, the port priority use designation shall be automatically reinstated on the Howard Terminal property as if it had not been deleted pursuant to BCDC’s Seaport Plan and Bay Plan amendment process. If the port and the Oakland Athletics have entered into a binding agreement by January 1, 2025, that allows for the development of the project, but that agreement is subsequently terminated before construction has commenced on all or any portion of the Howard Terminal property, then the port priority use designation shall be automatically reinstated, if it had previously been deleted pursuant to BCDC’s Seaport Plan and Bay Plan amendment process, on the undeveloped portions of the Howard Terminal property for which the agreement has terminated.

Given the ongoing uncertainty around the future of Howard Terminal, staff are not proposing to reinstate Howard Terminal as part of BPA 1-19. As set forth in section 8(b) of AB 1191, if a binding agreement is not in place for construction of the Oakland Sports and Mixed-Use Project by January 1, 2025 – or, if the agreement is in place by January 1, 2025 but is subsequently terminated before construction has commenced – then the Port Priority Use designation that was removed by BPA 2-19 will be automatically reinstated on the Howard Terminal property. In this event, no specific action by the Commission will be required to effectuate reinstatement of the Port Priority Use designation on Howard Terminal, though staff may likely agendaize the matter for the Commission at a public meeting at that time to provide the Commission and the public a timely reminder and notice of the automatic operation and effect of section 8(b) of AB 1191. Finally, please note that even currently without the existence of the Port Priority Use designation, Howard Terminal can still be used for maritime purposes. The significance of the Commission’s removal of the Port Priority Use designation via BPA 2-19 is just that the Howard terminal site is not limited to solely maritime uses.

Policy approach and key changes in the *Draft Plan*

The intent of this update is to refresh the entire plan and realign the *Seaport Plan* with *Bay Plan* policies to provide a more appropriate and effective regulatory framework for decision making. Critically, the policies in the *Draft Plan* have a greater emphasis on process and the general standards that the Commission should apply to different issues, rather than attempting to prescribe exactly how the ports will develop over time.

Key high-level changes to BCDC's approach to seaport planning in this update include:

A new *Cargo Forecast*. The previous *Cargo Forecast* was last updated in 2012 and it expired in 2020. The new *Cargo Forecast* includes slow, moderate, and strong growth scenarios, a range of productivity estimates, and an inventory of available Port Priority Use Area lands that could be utilized to meet forecasted needs through the year 2050. Several updates based on additional information and staff analysis undertaken during the Commission's consideration of Bay Plan Amendment 2-19 are included as an appendix to the *Draft Plan*. See the Introduction to the *Draft Plan* for a more detailed description of the *Cargo Forecast*.

Updated and simplified findings, policies, and topic areas. Staff propose removing outdated findings and policies and simplifying the topic areas in Part I of the plan. Many of the findings and policies in the *2012 Plan* are overly prescriptive about specific capital projects and requirements, which makes it challenging to keep the *Seaport Plan* relevant or up to date.

New topic areas. Staff suggest adding four new topic areas to the *Seaport Plan*, including: (a) The Seaport Planning Advisory Committee, (b) Climate Change, (c) Environmental Justice and Social Equity, and (d) Regional Coordination and Future Seaport Plan Updates. The Seaport Planning Advisory Committee topic area improves clarity about the composition and purpose of the SPAC. The Climate Change and Environmental Justice and Social Equity topic areas include new findings and policies that complement *Bay Plan* policies on these topics. The Regional Coordination and Future Seaport Plan Updates topic area brings forward two policies relevant to MTC's role in seaport planning, and the need for BCDC to coordinate with regional agencies now and into the future.

Increased flexibility for the ports. Staff have worked to increase the flexibility of policies in the *Seaport Plan* while ensuring adherence to *Bay Plan* policies and BCDC's remit as a regional agency focused on minimizing Bay fill. Specifically, staff suggest a new approach to *Part II: Designations* of the plan to simplify marine terminal designations and remove specific annual cargo volume requirements from individual terminals and berths. See Section III "Approach to Marine Terminal Designations" in this staff report for further explanation.

Updated Port Priority Use Area boundaries. Staff worked with the ports individually on requests to amend Port Priority Use Area boundaries. See Section IV of this staff report for a summary of the staff analysis on these changes. The analysis in this report is an abridged version of work undertaken and evaluated in a March 2021 staff report that assessed the Port Priority Use Area map changes in depth. It has been updated in certain areas where ports made additional requests to amend the Port Priority Use Area maps.

In total, staff believe the new *Draft Plan* provides a simpler, clearer set of findings and policies that BCDC will use to make port-related decisions on permit applications, amendments to the *Bay Plan*, federal consistency determinations, and other related matters. The new *Draft Plan* will provide greater clarity to ports and other potential applicants on the applicability of the Plan and the policies that may be relevant to development projects within the Commission's jurisdiction and will facilitate more efficient permitting in the future. The following sections provide more details about the proposed changes to each section of the *Seaport Plan*.

II. Revisions to the Introduction

The introduction to the *Seaport Plan* has been completely rewritten for readability and clarity. Port staff provided descriptions about their operations as well as pictures to help readers understand what each of the ports do. The introduction includes revised goals for the plan, information about BCDC's authority, the approach to the plan update, a description of ports and the major types of cargo that move through the Bay Area, and a summary of the *Cargo Forecast*.

III. Revisions to General Policies (Part I of the Seaport Plan)

The *Seaport Plan's* findings and policies have not been substantially revised since 1996. Consequently, much of the information contained in the *Seaport Plan* is outdated. Beginning in Fall 2022, staff undertook an internal process to draft new findings and policies for the SPAC's review. The *Draft Plan* contains extensive changes from the 2012 version. Individual findings and policies have been added, removed, or revised, and the policy topic areas have been restructured. In summary:

- Four topic areas (Port Priority Use Areas, Marine Terminals, Container Terminals, and Bulk Terminals) have been consolidated into a single simplified section called Preserving and Enhancing Port Priority Use Areas.
- The Dredging and Navigation section has been deleted because the 2012 policies are now redundant with the San Francisco Bay Long Term Management Strategy for Dredging as well as *Bay Plan* policies.
- The Ground Transportation section has been deleted and relevant findings and policies have been incorporated into a new topic area called Regional Coordination and Future Seaport Plan Updates.
- Three other completely new topics areas have been introduced: The Seaport Planning Advisory Committee, Climate Change, and Environmental Justice and Social Equity.

Table 1 provides a summary of the topic areas in the *2012 Plan* and how staff proposes to modify them in the *Draft Plan*.

Table 1: Topic Areas in the 2012 Plan and the 2023 Draft Plan

2012 Plan	2023 Draft Plan
n/a	The Seaport Planning Advisory Committee
The Cargo Forecast	The Cargo Forecast
Port Priority Use Areas Marine Terminals Container Terminals Bulk Terminals	Preserving and Enhancing Port Priority Use Areas
n/a	Climate Change
n/a	Environmental Justice and Social Equity
Dredging and Navigation	n/a
Ground Transportation	Regional Coordination and Future Seaport Plan Updates

The following sections of this staff report provide background context and a high-level summary of the policy changes in the *Draft Plan*. For readers who want to track how existing policies have been revised in greater depth, please see Appendix A. Appendix A is a policy matrix with tracked changes of the actual *2012 Plan* policies that staff recommend keeping, revising, or deleting.

The Seaport Planning Advisory Committee (SPAC)- *NEW TOPIC AREA*

The Seaport Planning Advisory Committee, or SPAC, is an advisory body that provides critical technical expertise to the Commission on port-related issues. The SPAC oversaw the creation of the original *Seaport Plan* and its subsequent updates. The SPAC is referenced in the Introduction of the *2012 Plan*, in several individual policies, and in Part III: Implementation. However, the existing plan does not have a specific section devoted to the SPAC itself. The SPAC was created via a memorandum of understanding (MOU) between BCDC and MTC in 1978, but the composition and responsibilities of the SPAC were not otherwise clearly communicated to the public.

To clarify the role, responsibilities, and composition of the SPAC, a new section of findings and policies is included in the *Draft Plan*. Findings A and B describes the purpose and need for the SPAC, and two policies outline the SPAC’s composition, appointment, and responsibilities.

Notably, staff recommend making several adjustments to the composition of the SPAC to reflect changes that have occurred since the 1978 MOU was published, and to introduce new appointments. Table 2 shows the suggested changes:

Table 2: Proposed Changes to SPAC Appointments

1978 MOU	BCDC Staff Recommendation	Reason
Two (2) members each appointed by BCDC, MTC, and ABAG	Two (2) members appointed by BCDC; (1) member each appointed by MTC and ABAG	Balancing BCDC and MTC/ABAG appointments
One (1) member appointed by the California Department of Transportation- District 04	One (1) member appointed by Caltrans District 4	No change
One (1) member appointed by the U.S. Army Corps of Engineers- San Francisco District	One (1) member appointed by the U.S. Army Corps of Engineers- San Francisco District	No change
One (1) member appointed by the U.S. Maritime Administration- Western Region	[delete]	No longer exists
One (1) member appointed by the Port of Benicia, the Port of Oakland, the Port of San Francisco, the Port of Redwood City, the Port of Richmond, and Encinal Terminals	One (1) member appointed by the Port of Benicia, the Port of Oakland, the Port of San Francisco, the Port of Redwood City, and the Port of Richmond	Removing Encinal Terminals, which no longer exists
One (1) member appointed jointly by the Chairmen of BCDC and MTC from an appropriate Bay Area environmental interest group	One (1) member appointed by BCDC from an environmental interest group	Appointment will come from BCDC instead of a joint appointment with MTC
One (1) member appointed jointly by the Chairmen of BCDC and MTC from a Bay Area economic development interest group	One (1) member appointed by BCDC from a maritime service organization	Revising to specify that the interest group should be a maritime organization
-	Two (s) members appointed by BCDC from community-based	Adding to further BCDC's Environmental Justice and Social Equity policies

	and/or environmental justice organizations	
-	One (1) member appointed by BCDC from a maritime industry stakeholder	Adding a new industry stakeholder appointment

In addition to updating the SPAC’s membership, staff have included a policy to encourage the Commission and other appointing bodies to appoint members with diverse backgrounds reflective of the Bay Area community who are port operations stakeholders. The SPAC’s general responsibilities are also outlined in this section. Note, although the SPAC provides an opportunity for some stakeholders to advise the Commission on port-related topics, consultation with the SPAC is not a substitute for the meaningful involvement of near-port communities in the Commission’s decision-making process.

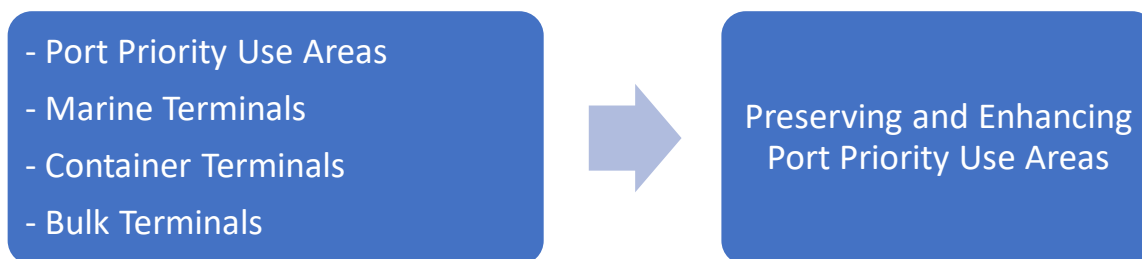
The Cargo Forecast- REVISED TOPIC AREA

In the *Draft Plan*, a new set of findings summarizes the *2019-2050 Bay Area Seaport Forecast*, describing the performance of the previous forecast, as well as giving an overview of the major types of cargos handled in the Bay Area and their anticipated growth. The findings are intended to provide a very high-level overview of the *Cargo Forecast*.

Staff recommend including two policies specific to the *Cargo Forecast* in the *Draft Plan*. Cargo Forecast Policy 1 discusses how the forecast should be monitored and updated. Cargo Forecast Policy 2 describes how the SPAC and Commission should implement and rely on the forecast. Two other policies that were previously in the *Cargo Forecast* topic area have been revised and moved to the Port Priority Use Area topic area in the *Draft Plan*. See Appendix A, Table 3 for details.

Preserving and Enhancing Port Priority Use Areas- REVISED TOPIC AREA

The *Draft Plan* proposes to simplify four topic areas by combining them into a single consolidated “Preserving and Enhancing Port Priority Use Areas” section, as illustrated below.



This new consolidated section includes general findings and policies related to preserving and enhancing Port Priority Use Areas. The Marine Terminals, Container Terminals, and Bulk Terminals topics areas have been removed and some of the policies in those topic areas have been deleted, but many others have been revised, and updated versions of them appear in the new consolidated section. See Appendix A, Table 4, for details.

Notable changes to these policies include:

- **New findings and definitions:** New findings provide clearer definitions about terms in the *Seaport Plan*, including Port Priority use Areas, Marine Terminals, Ancillary Uses, Commercial Recreation, and other Interim Uses. The definitions aim to improve clarity about applying Seaport Plan policies with respect to BCDC permitting and planning processes in Port Priority Use Areas.
- **Adding or Removing Port Priority Use Areas:** Cargo Forecast Policy 4 of the *2012 Plan* describes the requirements and process for removing Port Priority Use Areas, but the plan does not contain any policy for adding Port Priority Use Areas. A new revised policy (PPUA Policy 3 of the *Draft Plan*) has been introduced to address requests to add *or* remove Port Priority Use Areas. The intent of this new policy is not to change the overall requirements that the Commission will use to evaluate such requests, but instead to clarify the process and documentation that will assist the Commission in its decision-making. The new policy will help to guide future applicants when they submit requests to BCDC to add or remove Port Priority Use Areas.
- **Requirements relating to Bay fill for Marine Terminals:** Several findings and policies in the *2012 Seaport Plan* describe requirements that the Commission applies to requests for Bay fill, based on the *Bay Plan* and McAteer-Petris Act (see *2012 Plan* Marine Terminal policies 1,4,5,6 and 7). Staff have simplified these policies into one policy concerning Bay fill to develop existing designated marine terminal sites (Policy 4) and one policy concerning Bay fill for new marine terminals (Policy 5).
- **Changes to Marine Terminal Use:** The *2012 Plan* policy that covers change to the use of Marine Terminals (Cargo Forecast Policy 5) requires the SPAC to review potential changes to the use of marine terminals and permit such requests that will not detract from the regional ability to meet the projected growth in cargo. The revised *Draft Plan* policy (Policy 6) corrects this policy as the Commission, not the SPAC, is the ultimate decisionmaker, although BCDC staff or the Commission can still consult the SPAC as needed.
- **Approach to Marine Terminal Designations:** One of the primary purposes of the *Seaport Plan* is to minimize Bay fill. To achieve this goal, the plan reserves Port Priority Use Areas for port-related uses. Within Port Priority Use Areas, specific Marine Terminals are identified and are reserved for cargo handling operations. In the *2012 Plan*, Part I contains general policies and Part II contains the Port Priority Use and Marine Terminal “designations”. The designations are more than just land use maps. The *2012 Plan* requires each port to have specific annual cargo throughput capabilities by the end of

2020, as shown in a table for each port that lists the designated Marine Terminals. Each table includes terminal and berth-specific designations. The number of berths for each terminal is multiplied by an average per berth throughput capacity to get a total throughput number for each terminal.

In practice, allocating specific cargo types and projected volumes to individual terminals is difficult for several reasons. First, this approach makes assumptions about where future development and Bay fill will occur, and those assumptions are unlikely to be accurate as conditions change. Second, unless the *Cargo Forecast* and terminal designations are updated very frequently, that information will be outdated by the time a specific project or permit arises.

At a previous SPAC meeting in October 2020, the Port of Oakland suggested omitting terminal designations from the updated *Seaport Plan* to give ports greater flexibility in determining the appropriate use of their terminals and moving quickly on emerging market opportunities. BCDC staff have assessed this issue and agree that the existing approach to designating marine terminals for specific types and volumes of cargo is not an effective mechanism to prevent Bay fill. However, BCDC does need to be able to ascertain that adequate capacity exists within the port system as a region. To address this issue, staff propose several policy updates in the *Draft Plan*. Specifically:

- Part II of the *Seaport Plan*, which presently contains maps of the Port Priority Use Areas and Marine Terminals, as well as policies that designate facilities and annual cargo throughput capabilities to individual berths and terminals, will be substantially simplified in the *Draft Plan*. Part II will contain maps of the Port Priority Use Areas and Marine Terminals, but staff propose not to assign specific cargo volumes or capabilities. Instead, the *Draft Plan* relies on a set of revised general findings and policies in Part I of the plan to guide decision-making on relevant issues and provide clear requirements for BCDC to evaluate permit applications or *Bay Plan* amendments. In Part I, Port Priority Use Area Finding C designates the existing active terminals and their current uses, and Finding D identifies existing terminal expansion sites and their potential uses, as identified in the *Cargo Forecast*.
- Staff propose several other updates to policies in Part I to provide clarity about how the Commission will evaluate requests to add or remove Port Priority Use Areas, requests for Bay fill, or requests to change the use of marine terminals from one cargo type to another. See draft policies 3,4,5 and 6.
- **Public Access.** The 2012 *Seaport Plan* policy on public access (Port Priority Use Area Policy 2) states that public access in Port Priority Use Areas “may be allowed provided that the use would not impair existing or future use of the area for port purposes”. This policy has been revised in the *Draft Plan* to clarify that, as stated in *Bay Plan* Public Access Policy 2, port development is not exempt from *Bay Plan* public access requirements. As articulated in a new finding, staff recognize that projects in port priority use areas may require in lieu

access due to incompatibility of siting public access at active port operations. In those instances, ports are encouraged to consider amenities that enhance the public's access to or understanding about the working waterfront.

- **Historic Resources.** Historic resources in Port Priority Use Areas are not addressed in the *2012 Plan*. When BCDC staff worked with the Port of Richmond and Port of San Francisco on requests to amend Port Priority Use Area boundaries, they raised potential issues related to historic resources and allowable uses within Port Priority Use areas. Staff propose a new policy in the *Draft Plan* to allow for development of certain non-maritime uses at historically significant structures provided they are compatible with an active maritime environment, do not interfere with surrounding maritime operations, or create risks to safety or security.

The intent of these proposed policy changes is to clarify and simplify the approach that BCDC will use to evaluate permits or proposed *Bay Plan* amendments within the Port Priority Use Areas. For a tracked changes version of the *2012 Plan* policies, see Appendix A.

Climate Change- NEW TOPIC AREA

By their nature, seaports must be located on the shoreline, putting them at increased risk for flooding due to sea level rise. A new topic area on climate change has been introduced to the *Draft Plan* which aligns with *Bay Plan* policies on climate change that were recently added to the *Bay Plan*. This section is relatively brief, recognizing that the *Seaport Plan* itself is unlikely to be a driving force for climate adaptation in the Bay Area. Rather, the findings and policies in this section are intended to reference out to existing and planned efforts to address sea level rise. Four new findings summarize the importance of the seaports, their general vulnerabilities, BCDC-led adaptation efforts, and the role of the Bay Area ports in emergency response. Three new policies speak to the need to include the ports as critical stakeholders in adaptation planning efforts, the need to incorporate sea level rise considerations into any future updates to the *Seaport Plan* or *Cargo Forecast*, and the need to recognize the role of ports in disaster response.

Environmental Justice and Social Equity- NEW TOPIC AREA

A new topic area on Environmental Justice and Social Equity has been introduced into the *Draft Plan* which aligns with *Bay Plan* policies on environmental justice and social equity that were recently added to the *Bay Plan*. Port operations and associated cargo transportation activities contribute to disparities in health outcomes for port-adjacent communities. Low-income communities of color are often located adjacent to ports, resulting in impacts related to air, water, light and noise pollution, cumulative stressors, and climate change. Three new findings describe general port-related environmental health impacts, efforts to reduce environmental burdens, and the role and authority that BCDC and other agencies and municipalities have in reducing environmental justice impacts. Three new policies have been introduced. The first policy discusses the applicability of *Bay Plan* policies to the *Seaport Plan*, the second focuses on

support for the transition to zero-emissions seaports, and the third speaks to regional coordination and future plan updates.

Importantly, there are other policies in the *Draft Plan* that have environmental justice-related requirements, but those requirements are woven into the appropriate relevant policies. See new PPUA Policy 3 concerning adding or removing port priority use areas, and new PPUA Policy 6 concerning changes to the use of designated Marine Terminals for more information. Finally, as previously mentioned, staff recommend adding two new SPAC members appointed by BCDC from community-based and/or environmental justice organizations, as described in the SPAC section of this report, above, to further BCDC's Environmental Justice and Social Equity policies.

Regional Coordination and Future Seaport Plan Updates- *NEW SECTION*

Staff propose consolidating several topics into a new section focused on regional coordination and future *Seaport Plan* updates. First, although the Ground Transportation section of the *2012 Plan* has been deleted from the *Draft Plan*, staff recommend retaining a revised version of two policies (*2012 Plan* Ground Transportation Policy 1 and Policy 2) that speak to the need to preserve ground transportation access to Marine Terminals, make the best possible use of ground transportation facilities, and employ measures to mitigate significant adverse environmental effects of increased traffic at existing and proposed terminal facilities. Policy 3 in this section of the *Draft Plan* is new. Policy 3 encourages BCDC and MTC to coordinate regarding map changes when BCDC updates the *Seaport Plan* or MTC updates its growth geographies as part of *Plan Bay Area*. Policy 4 in this section sets minimum requirements for updating the *Seaport Plan* and encourages future *Seaport Plan* updates to be synchronized with the timing of MTC's *San Francisco Bay Area Goods Movement Plan* or/and *Plan Bay Area* updates when possible.

Dredging and Navigation- *DELETED TOPIC AREA*

Staff suggest removing the Dredging and Navigation findings and policies from the *Seaport Plan*. When the *2012 Plan* was originally developed in 1996, the dredging and navigation policies were written prior to the completion of the Bay Area Long Term Management Strategy (LTMS) for dredging. The LTMS Management Plan was published in 2001. The LTMS serves as the Regional Dredging Team for the San Francisco area. The *Bay Plan* also contains findings and policies on dredging. Staff did not identify any specific issues not already covered by these existing efforts that would be appropriate and necessary for the *Seaport Plan* to cover and thus recommends removing this topic area to prevent unnecessary redundancy. For more information about Dredging and Navigation policies that have been removed, see Appendix A, Table 5.

Ground Transportation- *DELETED TOPIC AREA*

Earlier versions of the *Seaport Plan* were developed as a cooperative planning effort of BCDC and MTC, but as stated in the *Draft Plan*, the timing of this update to the *Seaport Plan* and the

update cycle for the Regional Transportation Plan (now *Plan Bay Area*) did not align. Since the original publication of the *Seaport Plan*, MTC/ABAG has also shifted focus to its own *Plan Bay Area* and the *San Francisco Bay Area Goods Movement Plan*. As a result, this update to the *Seaport Plan* is being refocused toward findings and policies specific to BCDC's authority and remit. Staff thus recommend removing the Ground Transportation section from the *Seaport Plan*, except for Ground Transportation Policy 1 and Policy 2, as discussed above. For more information, see Appendix A, Table 6.

IV. Revisions to the Marine Terminal Designations (Part II of the *Seaport Plan*)

As described above, staff propose a new approach to the Marine Terminal designations that would simplify how BCDC designates Marine Terminals and move policy-related information into Part I of the Plan. Part II of the *Draft Plan* will be vastly simplified in scope and limited to maps of each of the five Port Priority Use Areas. Staff also propose deleting all port-specific policies from this plan. See Appendix A, Table 7 for a list of policies being deleted.

Regarding the proposed map changes, the *Bay Plan* designates areas for various water-oriented priority land uses within and outside of the Commission's 100-foot Shoreline Band jurisdiction (generally speaking, areas that are 100 feet landward of and parallel to the Commission's Bay jurisdiction, as statutorily defined), including sites designated for Port Priority Use. Port Priority Use Areas are reserved for port uses as marine terminals and directly related ancillary activities.

There have been shifts in where cargo activity has taken place since the last major *Seaport Plan* update, and consequently, some of the Port Priority Use maps have become outdated. As part of the BPA 1-19 process, BCDC received requests from the Port of Richmond, Port of San Francisco, Port of Redwood City, and City of Oakland, to amend their Port Priority Use Areas. At its March 26, 2021, meeting, the SPAC received a presentation by BCDC staff summarizing the staff's analysis of most of these changes. The City of Oakland's request was made in Fall 2022 and is thus discussed in greater detail in this report.

Seaport Plan General Policy 4 establishes the requirements for removal of Port Priority Use Areas. Policy 4 states:

Deletions of the port priority use and marine terminal designations from this plan should not occur unless the person or organization requesting the deletion can demonstrate to the satisfaction of the Seaport Planning Advisory Committee that the deletion does not detract from the regional capability to meet the projected growth in cargo. Requests for deletions of port priority or marine terminal designations should include a justification for the proposed deletion, and should demonstrate that the cargo forecast can be met with existing terminals.

Note that the SPAC's recommendation is advisory to the Commission. Staff undertook an analysis of General Policy 4. The *Cargo Forecast* did not identify any of the areas being requested for removal from Port Priority Use as being feasible sites for cargo handling, and thus, staff conclude that these requests are consistent with General Policy 4.

In addition to the General Policy 4 analysis, staff summarized information on other topics, including port planning and operations, land use consistency and compatibility, public access, sea level rise, environmental justice, and bay fill, to provide additional context for the SPAC in making a recommendation on the Ports' requests to amend their respective Port Priority Use Area designations.

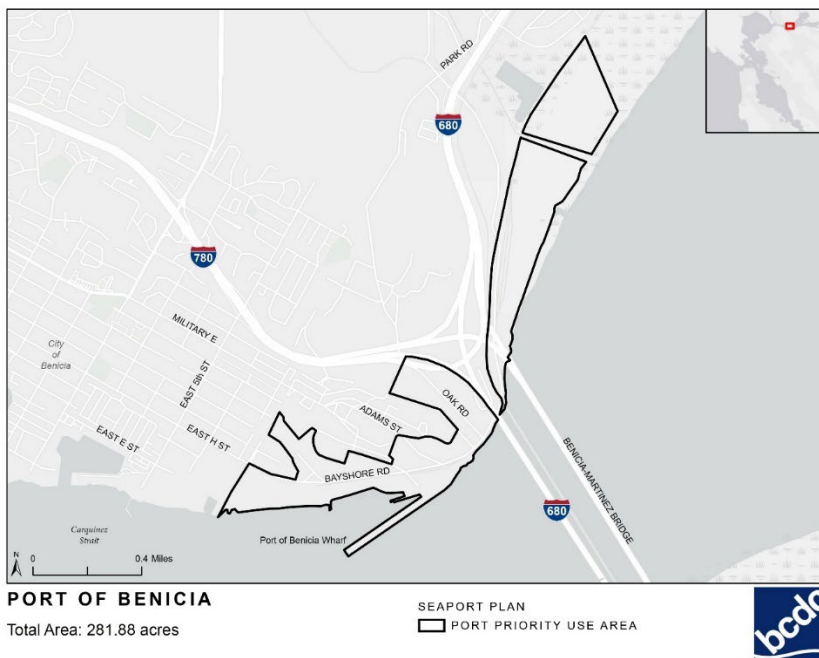
Below, staff have summarized the results of the March 2021 analysis. As previously mentioned, in 2022, BCDC staff also asked the ports or cities requesting changes to their map boundaries to conduct community engagement, commensurate with the nature of their requests, regarding their proposed map changes. Staff offered to provide support for outreach where needed. Some ports conducted outreach specific to their Port Priority Use Area requests, whereas others had already undertaken relevant community engagement as part of other recent planning efforts within their respective communities, such as port-specific vision plans. Brief summaries of the outreach undertaken by each port or city are included below.

The Port Priority Use Area boundary changes will also be analyzed in an Environmental Assessment being prepared by a consultant, and the draft Environmental Assessment will be circulated with the staff report and revised draft plan when those materials are sent to the Commission and public after the July 25, 2023, SPAC meeting.

A. Port of Benicia

The Port of Benicia did not request any changes to its Port Priority Use Area boundaries for this *Seaport Plan* update. The Port of Benicia's existing Port Priority Use Area is illustrated in Figure 1 for reference.

Figure 1: Benicia Port Priority Use Area Boundary



B. Port of Oakland

Neither the Port of Oakland nor the City of Oakland requested changes to the Oakland Port Priority Use Area boundary prior to the March 2021 SPAC meeting, when the other requests were analyzed and considered. In Fall 2022, the City of Oakland approached BCDC about a request to swap Port Priority Use Area used for ancillary port activities, illustrated in Figure 2. The swap would result in a net addition of 1.7 acres of Port Priority Use Area. If approved, the Oakland Port Priority Use Area will total approximately 1,573 acres.

Figure 2: Proposed changes to the Oakland Port Priority Use Area



Specifically, the City of Oakland is requesting to swap 15.5 acres of Port Priority Use Area for a different 16.7-acre site that has a better location and accessibility to support effective maritime services than the currently designated area.

The City of Oakland’s request stems from an agreement between the City of Oakland and Port of Oakland as part of the redevelopment of the Oakland Army Base (OAB). In 2000, the Commission approved a large-scale removal of a Port Priority Use Area designation at the Port of Oakland to accommodate the redevelopment of the OAB. The Commission approved an amendment (BPA No. 4-00) to the *Seaport Plan* and *Bay Plan* to remove the Port Priority Use designations from approximately 189.4 acres of the OAB, Army Reserve property and a small

portion of the Port of Oakland. An additional 184 acres was transferred from the Oakland Army Base to the Port of Oakland at the time to remain in Port Priority Use and provide for additional capacity at the Port. During the amendment process, the Port of Oakland and City of Oakland each agreed to provide 15 acres of Port Priority Use Area for truck parking and ancillary uses. The City's 15-acre area was reconfigured and relocated by an additional amendment in 2006 based on changing needs at the Port of Oakland (BPA No. 3-06). The current request would relocate the 15-acre area back to the original location identified in 2000.

The City of Oakland provided the following information regarding the area being added and the area being removed, respectively:

- *Area being added.* The proposed 16.7-acre Port Priority Use Area is located at the corner of West Grand Avenue and Maritime Street. The proposed site is visible from I-80, I-880 and West Grand Avenue and fronts onto three public streets: Maritime Street, Burma Road, and Wake Avenue. The proposed 16.7-acre Port Priority Use Area is the best commercial corner in the entire Oakland Port Area, with significant traffic counts passing by each day on West Grand Avenue and Maritime Street and even larger traffic counts able to visibly see the site from I-880 and I-80. The proposed site has great access into the site via multiple public streets and easy access out of the Port Area onto I-80 and I-580. While the proposed site has good access from the West Oakland it is separated from West Oakland neighborhood by I-880 and Union Pacific rail lines and the older Port warehouses and new Prologis warehouse. The proposed 16.7-acre Port Priority Use Area is essentially a circle bounded by three public streets and a future rail line on its back side. The proposed 16.7-acre Port Priority Use Area commercial corner at West Grand Avenue and Maritime Street will attract and keep trucks operating in the Port Area. Currently these trucks must go into the West Oakland community for gas, food and other basic services. The value of the best commercial street corner in the Port Area and its high visibility and accessibility is that it will be more effective at attracting and keeping Port serving trucks in the Port Area than the current 15-acre Port Priority Use Area, or any other location in the Oakland Port Area.

City's Ancillary Maritime Services Truck Parking & Truck Services Facility

The City entered into a Lease Disposition and Development Agreement (LDDA) with Oakland Maritime Support Services (OMSS) to develop the proposed 16.7-acre Port Priority Use Area with a truck parking and truck services facility in 2014. The facility will include 9-acres of truck parking, and commercial areas for diesel fueling, alternative fueling and electric vehicle (EV) charging for Port serving trucks, truck scales in support of Port facilities, 24-hour mini-mart with a truck parts area, food court/restaurant, truck wash, truck maintenance, and truck repair areas, and trucker services, which may include: showers, ATM/banking services, Department of Motor Vehicles services, driver physicals, self-service laundry facilities, and U.S. Department of Transportation drug testing services. Additionally, the site may include a public commemorative area recognizing the historical significance of the former Army Base.

- *Area being removed.* The current 15-acre Port Priority Use Area is located mid-block on Maritime Street between Admiral Robert Toney Way (West 21st Street) and West 17th

Street. The site is surrounded by older Port serving warehouses to the east and south, and a new 256,000 SF Prologis warehouse to the north with Maritime Street on its western boundary. The site is a long rectangle that provides decent circulation for a warehouse site, but does not provide good circulation for the planned, multi-use ancillary maritime services facility described above.

The requested swap will result in a net gain of acreage to the Oakland Port Priority Use Area. The City concludes that the proposed 16.7-acre Port Priority Use Area has better utility, location and accessibility than the current 15-acre Port Priority Use Area, which will likely result in a better, more effective ancillary maritime services facility.

Community Engagement. The City of Oakland provided the following information regarding community engagement for the requested swap in Port Priority Use Area:

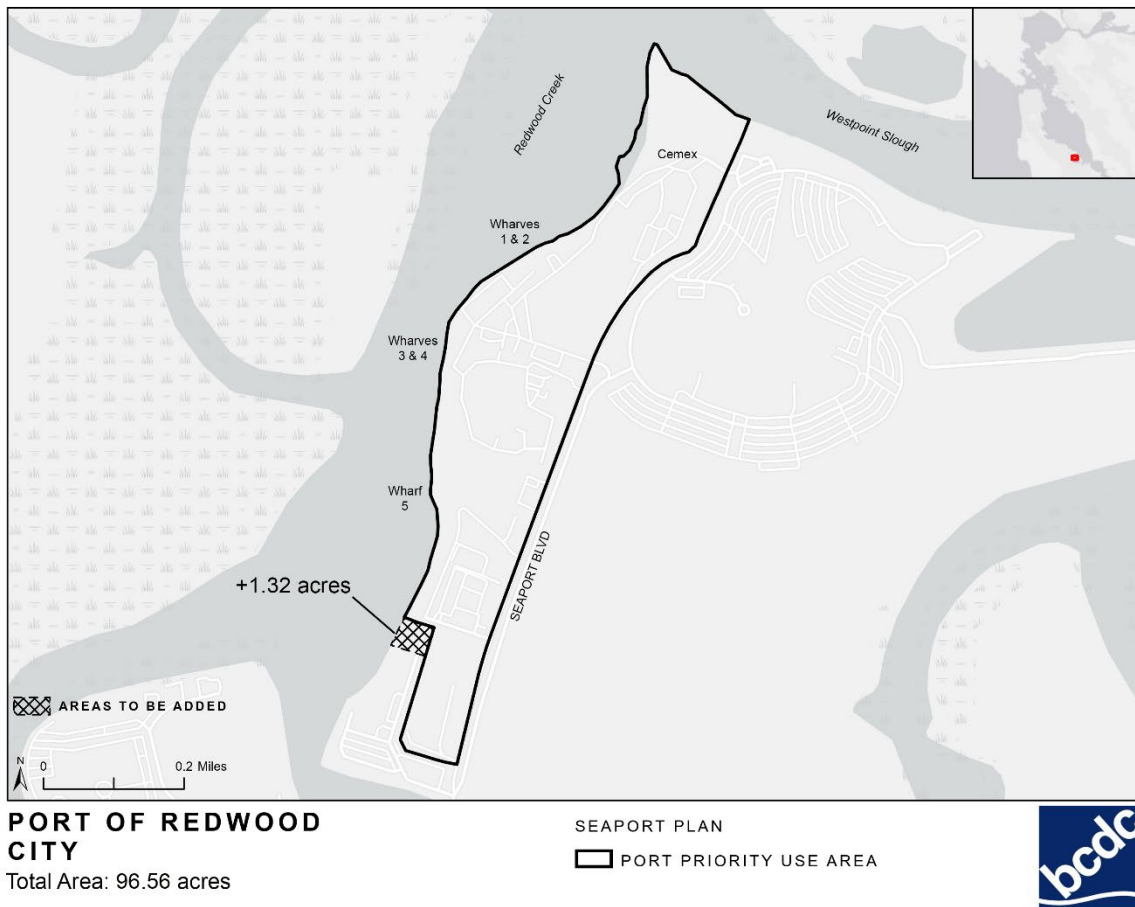
Development of the proposed 16.7-acre Port Priority Use Area for ancillary maritime services was evaluated through an extensive community processes under the Base Reuse and Closure (BRAC) Act and pursuant to the California Environmental Quality Act and City approval of the Redevelopment Plan and Environmental Impact Report in 2002, as addended in 2012. Designation of these Port Priority Area truck uses were required by BCDC Resolution No. 00-10, and moving the Port Priority Use Designation back to its originally intended location is consistent with prior public engagement on these plans and policies. With respect to moving the Port Priority Use to implement these plans, the City will additionally provide a push notification of this proposed action to the City's OAB community listserv, include information in the next OAB Newsletter, which will be published in May (2023) and post the information on the City website.

Staff Analysis. This request would result in a slight net gain in Port Priority Use Area that would be used for ancillary port services, bringing the designated Port Priority Use Area back to the original location that was identified in 2000. Both areas being proposed to be added and removed, respectively, are inland from the Port of Oakland's marine terminals. Neither site was identified in the *Cargo Forecast* for cargo handling activities and thus, adding and removing the respective sites would not impact the region's capacity to meet cargo growth per *Seaport Plan* Policy 4. Both areas being proposed to be added and removed, respectively, are also outside of BCDC's permitting jurisdiction. BCDC does not have any discretionary approval regarding the development of the city's AMS Truck Parking & Truck Services Facility. In summary, BCDC's approval or disapproval of the swap in Port Priority Use Area would not impact City of Oakland's ability to develop the AMS Truck Paring & Truck Services facility. However, the proposed uses of this new site are more consistent with the intent of the Port Priority Use designation than the currently designated site. Staff thus recommend approving this request.

C. Port of Redwood City

The Port of Redwood City is planning an expansion of a wharf to accommodate a new Omni-Terminal that could accommodate dry bulk or ro-ro cargoes. The expansion would include 1.32 acres of land to the south of Wharf 5 that is not currently designated as Port Priority Use. The Port of Redwood City is requesting that the Port Priority Use Area be extended to include the expansion area. This request was analyzed in the March 2021 SPAC staff report and is shown in Figure 3.

Figure 3: Proposed changes to the Redwood City Port Priority Use Area



Community Engagement. In January 2020, the Port of Redwood City Board of Port Commissioners adopted a long-term strategic vision for the port. As stated by the port, “The vision focuses on maximizing land use, improving infrastructure, diversifying maritime and commercial business efforts, improving operations, and protecting the environment – all with the overall goal of strengthening the port’s impact to the region’s economy and quality of life”. As part of the *2020 Vision Plan* process, the port conducted outreach across various stakeholders, which included the proposed changes to the port priority use. During the port’s outreach, port staff did not hear any objections to the proposed revisions. Outreach was conducted through social media outlets, questionnaires/surveys, and individual briefings. Port staff worked with both public NGOs and elected officials on the Vision.

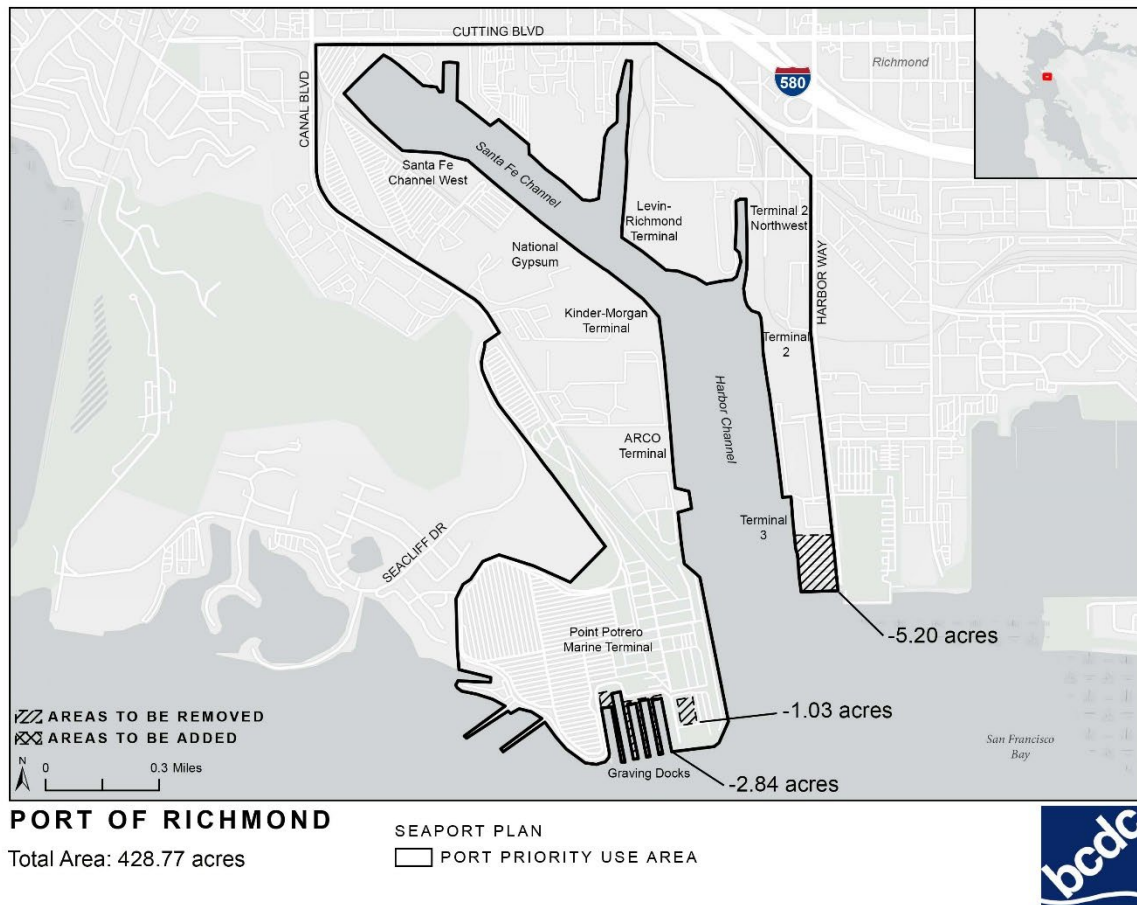
Summary of Staff Analysis. The March 2021 staff analysis examined this proposed addition to the Redwood City Port Priority Use Area. From a land use perspective, the analysis also found that existing land uses on the site include a portion of a small office strip and shoreline open space that runs from the port south to the marina. The proposed change area covers a portion of green space accessible from the public waterfront, although there are no paths through the area. The Bay Trail segment ends at the southern edge of the proposed area. Whether the trail segment is impacted will depend on the siting and design of the terminal project when it is proposed. The proposed change area is surrounded by land designated as Industrial – Port Related, and the site is bordered on the north and east by existing Port Priority Use Area and active port operations. The proposed change area is relatively small and, given that port and office uses already border each other in this area, the nature of land use interactions at and around the site may not change significantly.

The proposed changes to the Redwood City Port Priority Use Area would not detract from the regional capability to handle the projected growth in cargo. A no project alternative (not adding this site) would not necessarily prevent the development of an Omni-Terminal on and adjacent to the site, but adding the site to the port priority use area would increase regional capacity for the purposes of the *Cargo Forecast*. As described in the Port's *2020 Vision Plan*, environmental assessments at the port will be made on a project-to-project basis. Specific land use compatibility issues related to the development of the omni-terminal and neighboring areas would need to first be considered and addressed at the local level at the time the project is proposed, and development of the terminal would likely require a BCDC permit. Staff thus recommend approving this request. See p. 50 of the March 2021 SPAC Staff Report for additional analysis.

D. Port of Richmond

The Port of Richmond has requested to remove several Port Priority Use Areas, approximately 9 acres in total, as shown in Figure 4. This request was analyzed in the March 2021 SPAC Staff Report.

Figure 4: Proposed changes to the Richmond Port Priority Use Area



The City of Richmond has requested the removal of the Port Priority Use Area from the graving docks and a building south of the Point Potrero Marine Terminal due to their historic status, as well as a site at the southern terminus of Harbor Way South that is being contemplated for non-port uses. The graving docks are part of the National Rosie the Riveter World War II Home Front National Historical Park. The Harbor Way site, once Sheridan Point Park, is currently a parking lot for the adjacent ferry terminal. The lot also provides public parking for shore access and includes a public fishing pier and paths that connect the lot to the Bay Trail.

Community Engagement.

The City of Richmond provided the following information regarding their request to remove Port Priority Use Area at the Port of Richmond:

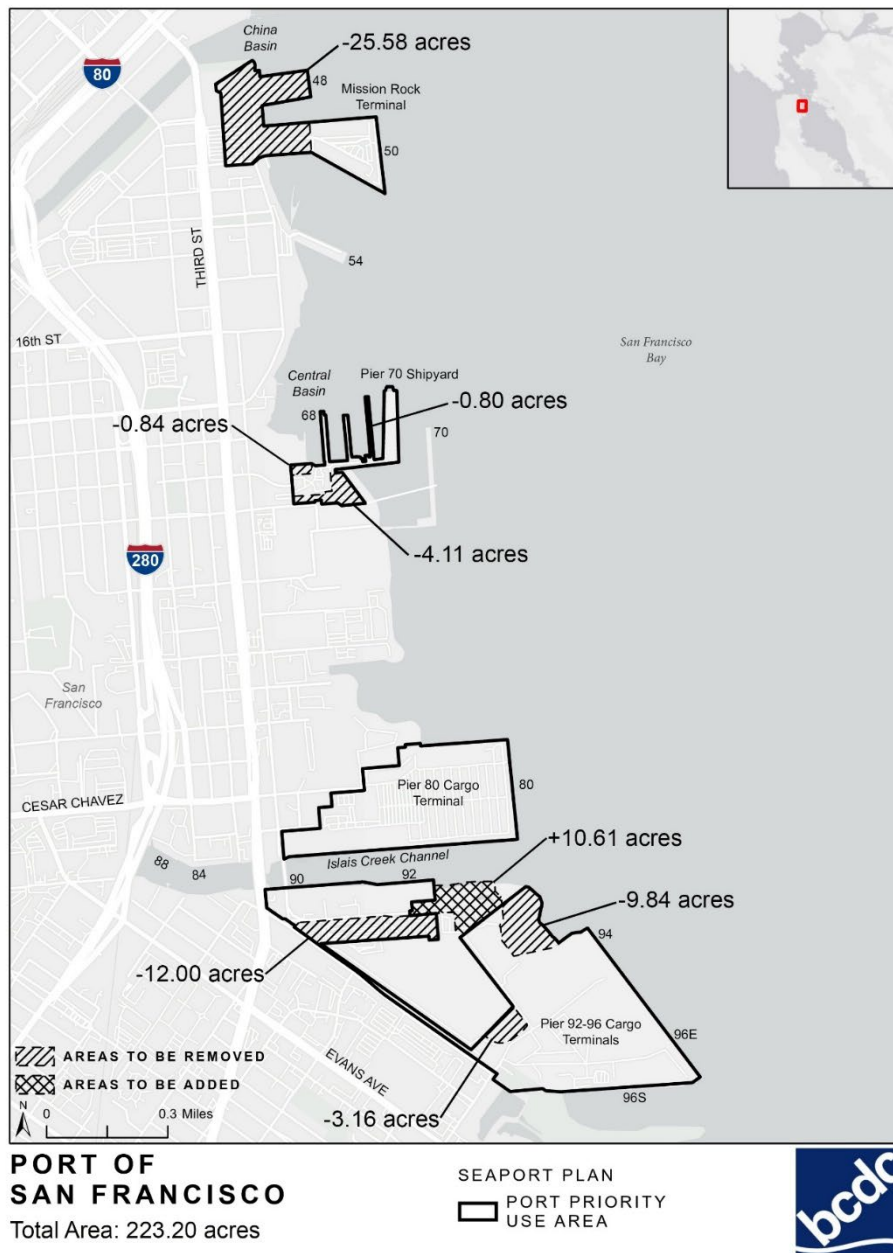
The City of Richmond has commissions that review, discuss, and approve land use changes, including waterfront. The Design Review Board functions as the decision-making body for the design of new development projects and most exterior changes to existing buildings. The Board also acts as an advisory body to the Planning Commission in cases also involving a land use decision. On December 14th, 2022, the board had a discussion regarding the City of Richmond and its efforts to update the Seaport Plan. It was mentioned and presented that staff is working to seek approval of an amendment to the *Seaport Plan*, which is administered by the Bay Conservation and Development Commission (BCDC). A map of the revisions to the BCDC *Seaport Plan* was part of the packet as Exhibit D. It was discussed that pending approval of BCDC, several areas in the Port of Richmond have been requested to be removed from the *Seaport Plan*. The southwestern portion of the site is slightly outside the 5.22 -acre requested to be removed in the Ford Peninsula. Based on communication with BCDC, the amendment request has been tentatively scheduled for a decision next year, it is likely to be May or June 2023. Staff did not hear any objections to the proposed revisions.

Summary of Staff Analysis. The March 2021 SPAC Staff Report analyzed this request. Staff found that areas proposed to be removed from the Port Priority Use Area at the Port of Richmond are not currently associated with cargo handling. The graving docks and historic building by Point Potrero Terminal are located outside of the terminal and can be accessed without entering the terminal. The docks are already part of the National Rosie the Riveter World War II Home Front National Historical Park. Preservation of the docks and the historic building are not likely to affect port operations. The ferry terminal parking lot at Harbor Way is not designated for terminal use in the Seaport Plan either, and the *Cargo Forecast* did not include this area as a feasible site for future cargo handling. In conclusion, the removal of these areas from Richmond's Port Priority use Area would not detract from the region's capability to handle the projected growth in cargo, and this request is consistent with *Seaport Plan* General Policy 4. Staff thus recommend approving this request. See p. 59 of the March 2021 SPAC Staff Report for additional analysis.

E. Port of San Francisco

The Port of San Francisco requested several modifications to its Port Priority Use Area boundaries, which were analyzed in the March 2021 SPAC staff report. The Port later submitted a request to make a minor additional modification to the boundary at Pier 70, discussed further below. In total, the proposed changes would result in an approximately 46-acre reduction in the San Francisco Port Priority Use Area (compared to a 43-acre reduction as analyzed in March 2021). Figure 5 depicts the San Francisco Port Priority Use Area with proposed modifications.

Figure 5: Proposed changes to the San Francisco Port Priority Use Area



Modifications to the Port Priority Use Area include:

Piers 48 and 50. Pier 48 and seawall lot 337 should be removed from the Port Priority Use Area per Assembly Bill (AB) 2797 (Chiu, 2016) regarding the Mission Rock development project, which found that the pier is a contributor to the Embarcadero Historic District and that the pier is no longer viable for break bulk cargo operations and deemed the site to be free of the Port Priority Use designation as of January 1, 2017. In summary, this area was already removed from Port Priority Use, but the *Seaport Plan* maps need to be updated to reflect this change.

At **Pier 50**, the Port of San Francisco requested that the port priority use area be reduced to 14 acres on the eastern portion of the pier. While the pier continues to be an operational deep-water berth, the Port of San Francisco finds that it is no longer viable for break bulk and suggest it be reserved for maritime purposes (berthing and operations) and port maintenance facilities rather than cargo.

Pier 70. At Pier 70, the Port of San Francisco proposes the removal of 5.75 acres of Port Priority Use Area, which includes a pier that was removed, as well as an area encompassing 10 historic buildings and adjacent parking that are contributors to the Union Iron Works Historic District, to facilitate the repair and rehabilitation of the historic structures that are not financially feasible or suitable for maritime purposes.

Community Engagement. The Port of San Francisco has several Advisory Committees covering various waterfront areas and issues. The Southern Advisory Committee, which covers an area from the Oracle Ballpark to India Basin, discussed the *Seaport Plan* at its February 2023 meeting. BCDC staff gave a general presentation on the *Seaport Plan* update. Port staff presented on their specific map changes and the alignment of those changes with the Piers 80-96 Maritime Eco-Industrial Strategy, an effort to “co-locate maritime industrial uses to enable product exchange, optimize use of resources, incorporate green design and green technologies on-site, fosters resource recovery and reuse, to provide economic opportunities that employ local residents, minimize environmental impacts and incorporate public open space for enjoyment and habitat”. Meeting participants asked a range of questions about the *Seaport Plan*, such as the impetus for regional planning for the ports, and whether the plan would include policies related to environmental justice. Meeting participants did not raise any issues related to the specific map changes being requested by the port.

Summary of Staff Analysis. The March 2021 staff analysis found that the proposed changes in the San Francisco Port Priority Use Area would not detract from the region’s ability to meet the projected growth in cargo because none of the areas proposed to be removed were identified in the *Cargo Forecast* as being capable of being used to handle cargo. The main area being removed at Pier 48 was already removed legislatively in 2017 to facilitate the Mission Rock development, and the *Seaport Plan* is simply being amended to reflect that change as a “cleanup” amendment. The other proposed changes are not expected to impact port operations and would serve to align the Port Priority Use boundaries with the actual uses of

port property and the *Seaport Plan* with the Port of San Francisco's planning documents. The port's outreach did not identify any specific issues with the requested changes. Staff recommend approving the Port of San Francisco's request. See p. 68 of the March 2021 SPAC Staff Report for additional analysis.

F. Reserve Areas- Selby and the Concord Naval Weapons Station

The *2012 Plan* includes Port Priority Use designations on two sites, Selby and the Concord Naval Weapons Stations, where there are no existing cargo ports and where no plans for developing any ports have been set forward. Staff recommend removing the Port Priority Use designation from these two sites. For a detailed analysis and explanation, please see p. 11-12, p. 23, and p. 108 of the March 2021 SPAC Staff Report. A summary of each site and BCDC staff's analysis of this issue is below.

Selby. The Selby Port Priority Use Area does not cover any active port or terminals but reserves a 76-acre site in Contra Costa County for a potential future marine terminal. This site is also designated in the *Seaport Plan* as a water-related industry Priority Use Area. The Selby Port Priority Use Area was previously the site of a smelting operation that produced slag as a waste product and deposited on the site. Most of this area is held in trust by the State Lands Commission, though a small portion is owned by C.S. Land, an affiliate of Phillips 66 Company. The site has undergone remediation in the past, but pursuant to a 1989 consent judgment, the Department of Toxic Substances Control requires additional remediation of extensive heavy metal contamination on the site, which is being paid for through a cost sharing agreement. The *2012 Plan* designated Selby as a possible liquid bulk site but no plans for developing the site for that use have emerged.

During the *Seaport Plan* update process, BCDC received public comment from community members of Rodeo and Crockett requesting that the Port Priority Use designation be removed from the site. The commenters are concerned about the potential environmental, health, and economic impacts a possible future port operation would have on the surrounding community.

Selby has been designated for Port Priority Use since 1982 when the original *Seaport Plan* added a Port Priority Use designation to the previously existing water-related industry priority use designation due to the site's deep-water access. The *Cargo Forecast* completed for the *Seaport Plan* update does not include projections for Selby in the inventory of usable terminal land due to the uncertainties surrounding the mitigation and cleanup plan and the range of permissible uses.

Concord Naval Weapons Reservation. The *2012 Plan* also designates a 1,500-acre Port Priority Use Area in Concord. This area was previously a Navy military based called the Concord Naval Weapons Station. In 2005, the Navy transferred part of the base to the Army, and this Port Priority Use Area is now occupied by a portion of the Military Ocean Terminal Concord (MOTCO) and used for the shipping of munitions.

Bay Plan Map 3 identifies this site as the Concord naval Weapons Station and states:

When no longer owned or controlled by the federal government, give first consideration to port or water-related industrial use. Port and industrial use should be restricted so that they do not adversely affect marshes. See Seaport Plan. If not needed for port or water-related industry use, consider waterfront park use.

The *2012 Plan* contains a policy (see p. 40 of the *2012 Plan*) which states that the site “should be reserved as a port priority use area to be considered for bulk cargo marine terminal development if and when the Navy ceases its munitions operations”. However, the *2012 Plan* does not designate this area for any specific cargo use and the site remains in active military use.

Staff Recommendation Regarding Reserve Areas.

The intent of the Port Priority Use Designation is to designate and reserve shoreline areas along San Francisco Bay for existing and future growth in maritime cargo, thereby reducing the need for new Bay fill for port development. In a hypothetical situation where the Bay Area region were to run out of capacity to handle cargo demand and exhaust other solutions such as increasing throughput at existing terminals, it is possible that the Selby and Concord reserve sites could provide additional capacity. However, whether such a scenario is feasible is unclear and depends on many factors that may change and cannot be analyzed at present.

Both the Concord and Selby reserve areas have been designated in the *Seaport Plan* as Port Priority Use Areas since the original plan was published in 1982, but no plans to develop either site for such uses has materialized in that 40-year timeframe. As staff previously noted in the March 2021 SPAC Staff Report, the timeline for potentially redeveloping either of these sites is outside the scope of this update and the surrounding context or appropriateness of using either of these sites for cargo handling is likely to be very different in the future than it is today. Staff recommend removing the Port Priority Use designation from both the Selby and Concord sites. Removing the Port Priority Use designation would not remove the Water-Related Industry Priority Use designation from either site. The Water-Related Industry designation is a separate priority use designation in the *Bay Plan* that is not part of the *Seaport Plan*, and it was not considered as part of this planning process. Further, removal of the designation would also not preclude either site from being used for port purposes in the future. However, given substantial uncertainty about the feasibility of either of these sites, staff recommend removing the Port Priority Use designations in this update. Either site could be added back into Port Priority Use, but staff suggest this should occur as part of its own process at a future date, if that ends up being warranted under the circumstances at that time.

V. Revisions to Implementation (Part III of the Seaport Plan)

Staff propose to delete *Part III: Implementation* from the *Seaport Plan*. In the *2012 Plan*, this section serves to delineate the responsibilities and authorities of BCDC, MTC, and other agencies, and describe how the plan should be amended, and it calls for other studies. Rather than maintain this section of the plan, staff have moved relevant information from this section and, where appropriate, incorporated information about agency responsibilities, or updating

the plan itself, into the general policies in Part I. The *Seaport Plan* is primarily a regulatory document as opposed to a plan that will be regularly, actively implemented, and staff thus suggest removing this section from the plan.

VI. Next Steps

The final milestones for this project include:

- **SPAC Meeting (July 2023).** The SPAC will meet to consider the *Draft Plan* and provide feedback to BCDC staff.
- **Preliminary Staff Recommendation and Draft Environmental Assessment).** A draft Environmental Assessment will be circulated with the Preliminary Staff Recommendation and a revised version of this *Draft Plan* to the public at least 30 days prior to the public hearing.
- **Public Hearing (September 7, 2023).** The public hearing is anticipated to be scheduled for September 7, 2023. Should the timeline change, staff will circulate a revised notice of public hearing.
- **Final Staff Recommendation and Revised Environmental Assessment (Fall 2023).** After the public hearing, staff will revise the plan further as needed based on Commissioner feedback and public comment, and then circulate a final recommendation and a revised Environmental Assessment.
- **Commission Vote (Fall 2023).** The new *Seaport Plan* will be presented to the Commission for a vote to adopt.

VII. Appendix A: 2012 Seaport Plan Policies with Tracked Changes

The following tables track changes between the 2012 Plan policies and new Plan policies. The tables are divided according to the topic areas of the 2012 Plan. New text is in underline and deleted text is in strikethrough.

Table 3: Cargo Forecast Policies- Proposed Revisions to 2012 Plan.

2012	Policy	2012 Text	Status	Comments
Cargo Forecast	1	In order to foster economic activity, improvements should be made to the Bay Area port system to handle the forecast growth in waterborne cargo.	Delete	The goal of this policy has been incorporated into the findings. Would also not be an enforceable policy.
Cargo Forecast	2	Proposed marine terminal development should be closely linked to the projected regional need for new facilities based upon reasonable forecasts of waterborne cargo.	Delete	See new PPUA Policies 5 and 6, which addresses development of new marine terminals or changes in cargo use
Cargo Forecast	3	The <u>Commission and SPAC Seaport Planning Advisory Committee</u> should monitor the region’s maritime cargo volumes, marine terminal use, and ship calls <u>as needed</u> on an ongoing basis. -The data collected should be <u>assessed by the SPAC and the Commission to</u> ensure that the used to determine whether there has been a shift in the method of transporting bulk cargoes and the adequacy of the Seaport Plan marine terminal designations <u>to ensure that the Bay Area has adequate areas reserved to accommodate future port and marine terminal development.</u> <u>The Commission may require comprehensive updates to the forecast if cargo growth substantially deviates</u>	Revise	Updated to generalize this policy and set standards for updating the cargo forecast.

		<p><u>from expected trends, if proposed changes to Port Priority Use Areas could impact the region’s capacity to handle cargo growth, or if the Commission otherwise determines it necessary. At a minimum, the Cargo Forecast should be reviewed no less than once every 10 years. No further changes in use or deletions of port priority use areas should be considered until the cargo monitoring process has been implemented.</u></p>		
Cargo Forecast	4	<p><u>Requests to add or remove Port Priority Use Areas should:</u></p> <p><u>a. Include a justification. The justification should analyze the need for the Port Priority Use Area based on meeting the regional Cargo Forecast and minimizing the need for Bay fill. The justification should include an environmental assessment that evaluates the reasonably foreseeable direct and indirect environmental impacts of adding or removing the Port Priority Use Area designation, including any environmental impacts associated with:</u></p> <p><u>i. Increased port-related activity or necessary improvements which may result from newly designated areas.</u></p> <p><u>ii. New use(s) or development which may be needed to offset the removal of the Port Priority Use Area designation.</u></p> <p><u>b. Requests to remove Port Priority Use Areas should not occur unless the person or organization requesting the deletion can demonstrate to the satisfaction of the Commission that the deletion does not detract from the region’s ability to meet the projected growth in cargo. If the request is to remove a designated Marine Terminal (see Table 2 and Table 3), then the justification should demonstrate that the Cargo Forecast can be met with existing marine terminals, and an update to the Cargo Forecast may be first required to ensure the removal would minimize the need for Bay fill.</u></p> <p><u>c. Include meaningful community engagement and an assessment of consistency with Bay Plan Environmental Justice and Social Equity Policy 4.</u></p>	Revise	<p>Revised and moved from Cargo Forecast section to PPUA section, see new PPUA Policy 3. Intent of this change is to include information about adding (not just removing) port priority use areas, and to clarify the information that should be submitted and assessed during such requests. It does not change the overall requirements for removing Port Priority Use Areas, which still relates to the region’s ability to meet the Cargo Forecast.</p>

		<p>d. <u>Include consultation with the relevant port or property owners.</u></p> <p>e. <u>Include consultation with the SPAC.</u></p> <p>Deletions of the port priority use and marine terminal designations from this plan should not occur unless the person or organization requesting the deletion can demonstrate to the satisfaction of the Seaport Planning Advisory Committee that the deletion does not detract from the regional capability to meet the projected growth in cargo. Requests for deletions of port priority or marine terminal designations should include a justification for the proposed deletion, and should demonstrate that the cargo forecast can be met with existing terminals.</p>		
Cargo Forecast	5	<p><u>When a BCDC permit is required for the development of a marine terminal for cargo use, applicants should demonstrate that the change in terminal use would not detract from the region’s ability to accommodate the projected growth in cargo, as provided in the Cargo Forecast, and minimize the need for Bay Fill. Such requests should also include meaningful community engagement, commensurate with the nature of the request and consistent with Bay Plan policies on Environmental Justice and Social Equity. Proposed changes in port use of designated marine terminals, e.g., from bulk to container use, should be reviewed by the Seaport Planning Advisory Committee, and should be permitted without an amendment of the Seaport Plan as long as the change in use does not detract from the regional capability to meet the projected growth in cargo.</u></p>	Revise	<p>Revised to allow for changes in cargo type without SPAC review and moved to PPUA section. See new PPUA Policy 6.</p>

Table 4: Port Priority Use Area, Marine Terminals, Container Terminals, and Bulk Terminals Proposed Revisions to 2012 Plan.

2012	Policy	2012 Text	Status	Comments
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Port Priority Use Areas	1	Local governments and the Bay Area ports should protect port priority use areas for marine terminals and other directly related port activities through their land use planning and regulatory authority.	No change	
Port Priority Use Areas	2	Within port priority use areas, non-port uses such as public access and commercial recreation development may be allowed provided that the use would not impair existing or future use of the area for port purposes. <u>Public access amenities that enhance the public's access to or understanding about the working waterfront, including visual corridors, temporary access, or other programmatic elements should be encouraged, provided that such proposals are consistent with all applicable Bay Plan Public Access policies.</u>	Revise	See new PPUA Policy 9
Port Priority Use Areas	3	Within port priority use areas, passenger ferry terminals and <u>related</u> ancillary uses may be allowed where the use is compatible with an active maritime environment and would not; <u>provided the development and operations of the ferry facilities do not</u> interfere with ongoing or future port-related uses, and navigational and passenger safety can be assured.	Revise	Language clarification
Port Priority Use Areas	4	Interim uses should be of a nature that allows for the site to be converted to port use when it is needed for marine terminal development or other port priority use and is assured through appropriate conditioning of BCDC permit required for the proposed interim use. Uses that would impair the future use of a port priority use area that is not currently used for port purposes may be allowed only on a finite, interim basis. Interim uses should be of a nature that allow the site to be converted to port use when it is needed for marine terminal development or other port priority use. The length of the interim use period should be determined on a case-by-case basis for each site and proposed use. Factors to be considered in determining the length of the interim use should include, but are not limited to: (1) the amortization period of investments associated with the proposed use; (2) the lead time	Revise	Language clarification to point to BCDC permitting process

		<p>necessary to convert the site to the designated marine terminal or port use; and (3) the need for the site as <u>described in the Cargo Forecast</u>. measured by the Bay Area volume of the cargo type specified to be handled at that site and the available capacity at other ports in the Bay Area to accept the specified cargo.</p>		
Port Priority Use Areas	5	<p>No Bay fill should be authorized for interim uses that are not water-oriented.</p>	Delete	Redundant of McAteer-Petris Act and Bay Plan requirements.
Marine Terminals	1	<p><u>Bay fill to develop existing marine terminal sites (see Table 2 and Table 3) should be consistent with the requirements of the McAteer-Petris Act and the Bay Plan, including that the Bay fill proposed meets the requirements of Government Code section 66605.</u></p> <p>Bay fill authorized for development of any marine terminal must be the minimum necessary to achieve a functional terminal at the site. Marine terminal development projects must meet the criteria for Bay fill projects specified in Section 66605(c) and (d) of the McAteer-Petris Act, 7 which are: (1) that public benefits of fill must exceed the public detriment from the loss of water area; (2) that there is no alternative upland location; (3) that the proposed fill is the minimum necessary to achieve the purpose of the fill; (4) that the nature, location, and extent of any fill must minimize harmful effects to the Bay Area, such as reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources; (5) that the fill be constructed in accordance with sound safety standards; (6) that fill should establish a permanent shoreline;</p>	Revise	Redundant of McAteer-Petris Act and Bay Plan requirements.

		and (7) that the project applicant has valid title to the properties in question.		
Marine Terminals	2	Future marine terminals should be developed for the type of cargo specified in Part II of this plan at each port and port priority use area. If a port or terminal operator proposes to use a terminal for a cargo other than that designated in the Seaport Plan, the project proponent must demonstrate to the Seaport Planning Advisory Committee that the proposed project does not prevent Bay Area ports from achieving adequate cargo throughput capability to meet the 2020 projections. In reviewing such requests, the Seaport Planning Advisory Committee should make use of the cargo monitoring data that will be collected as part of the implementation of this plan (see Responsibilities of Other Agencies in Part III of this plan).	Delete	The Cargo Forecast already contains information about marine terminals that the Commission can use to evaluate permits or other kinds of requests. See new PPUA Policy 5 and PPUA Policy 6
Marine Terminals	3	Conversion of existing marine terminals from bulk to container terminals should not occur unless other terminals are available in the region to accommodate both the existing terminal's cargo throughput capability and the current cargo operations that would be displaced by the conversion. In reviewing such requests, the Seaport Planning Advisory Committee should make use of the cargo monitoring data that will be collected as part of the implementation of this plan (see Responsibilities of Other Agencies in Part III of this plan).	Delete	See new PPUA Policy 6
Marine Terminals	4	<u>Bay Fill for New Marine Terminals. The development of new marine terminals should be based on the projected regional need for new facilities as provided in the <i>Cargo Forecast</i>.</u>	Revise	Clarifying and strengthening the requirements

		<p><u>Bay fill should not be approved unless the project proponent can demonstrate to the satisfaction of the Commission that:</u></p> <ol style="list-style-type: none"> a. <u>All available existing berths and terminals capable of handling the type of cargo in question have reached their capacity;</u> b. <u>All reasonable investments to maximize cargo efficiency have already been made;</u> c. <u>No other feasible alternative to construction of new terminals exists;</u> <u>and</u> d. <u>The development is consistent with the requirements of the McAteer-Petris Act and the Bay Plan, including that the Bay fill proposed meets the requirements of Government Code Section 66605.</u> <p>New marine terminals requiring large volumes of Bay fill should only be developed when all existing terminals are operating at maximum feasible capacity, and should involve the least possible amount of Bay fill.</p>		<p>for fill for new marine terminals (brand new sites, not existing marine terminal sites that are being redeveloped).</p>
Marine Terminals	5	<p>The estimates of throughput capability and the number of new berths needed to meet the 2020 cargo forecast should be used only as an approximate guide.</p>	Delete	<p>Unnecessary-not retaining cargo throughput capability requirements in the <i>Draft Plan</i>.</p>
Marine Terminals	6	<p>To achieve the capacity needed to handle the cargo volume forecast for 2020, each port and port priority use area should have the number of berths shown in Table 6.</p>	Delete	<p>Unnecessary-not retaining cargo throughput capability requirements in the <i>Draft Plan</i>.</p>

Marine Terminals	7	If cargo capacity shortfalls occur, fill for additional marine terminals not designated in this plan should not be approved by BCDC unless the project proponent can demonstrate to the satisfaction of BCDC and the Seaport Planning Advisory Committee: (1) that existing berths and terminals have reached their capacity; (2) that no other feasible alternative to construction of new terminals exists; (3) and that net Bay fill included in the proposed terminal is the minimum necessary and that no alternative upland location exists.	Delete	See PPUA Policy 5, which covers instances where a new marine terminal is being proposed
Container Terminals	1	Container terminal development projects for land constrained sites should have at least 30 acres per berth of backland. Projects with intermodal service, such as the FISCO site and other terminal expansions at the Port of Oakland, should have 55 acres per berth to accommodate the higher cargo capacity of the larger ships that will be calling at those terminals.	Delete	Beyond scope of BCDC's regulatory and planning focus
Container Terminals	2	Projects for combined container/neo-bulk terminals should ideally have 30 acres per berth, but must have at least 20 acres per berth.	Delete	Beyond scope of BCDC's regulatory and planning focus
Container Terminals	3	Container terminal projects, especially intermodal terminals, should have the following four characteristics: (1) deep water channels and berths (at least 35 feet); (2) access to at least one railroad, but preferably two, and an interstate highway; (3) adequate flat backland (a minimum of 30 acres, and as much as 55 acres per berth for intermodal terminals); and (4) an agency or entity with the ability and willingness to raise the funds to build and operate the terminal. In addition, the sites should be adjacent to existing container terminals.	Delete	Beyond scope of BCDC's regulatory and planning focus
Container Terminals	4	Container terminals may be used for bulk cargo or combined bulk and container cargo until the terminal is needed for container cargo shipping, provided the non-container cargo use would not impair the current or future use of the terminal for container shipping.	Delete	See new PPUA Policy 6 for changes to use of marine terminals

Bulk Terminals	1	The Seaport Planning Advisory Committee should monitor the region's maritime cargo volumes, marine terminal use, and ship calls on an ongoing basis. The data collected should be used to determine whether there has been a shift in the method of transporting bulk cargoes and the adequacy of the Seaport Plan marine terminal designations to ensure that the Bay Area has sufficient areas reserved to accommodate future port and marine terminal development.	Delete	Unnecessary
Bulk Terminals	2	<u>When a BCDC permit is required for the development of a marine terminal for cargo use, applicants should demonstrate that the change in terminal use would not detract from the region's ability to accommodate the projected growth in cargo, as provided in the Cargo Forecast, and minimize the need for Bay Fill. Such requests should also include meaningful community engagement, commensurate with the nature of the request and consistent with Bay Plan policies on Environmental Justice and Social Equity. Proposed changes in port use of designated marine terminals, e.g., from bulk to container use, should be reviewed by the Seaport Planning Advisory Committee, and should be permitted without an amendment of the Seaport Plan as long as the change in use does not detract from the regional capability to meet the projected growth in cargo.</u>	Revise	Revised policy, SPAC does not necessarily need to be consulted for changes to cargo use, although it still can be if needed. Also clarifies that changes to uses should be intended to improve regional ability to meet cargo forecast.
Bulk Terminals	3	In developing new bulk cargo terminals, the minimum amounts of backland shown in Table 7 should be provided for each berth.	Delete	Beyond scope of BCDC's regulatory and planning focus

Table 5: Dredging and Navigation- Proposed Revisions to 2012 Plan.

2012	Policy	2012 Text	Status	Comments
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Dredging and Navigation	1	Deepening or widening of San Francisco Bay Channels, including the San Francisco Bar Channel, should proceed only if economically justified or if needed for national defense, and if such deepening or widening accomplishes the objectives of the Seaport Plan and conforms to State and national environmental law and policies. The interior channels of San Francisco Bay should not be deeper than the San Francisco Bar Channel.	Delete	Staff propose to delete the Dredging and Navigation section from the Plan, as they are covered by Bay Plan Dredging policies. See the "Dredging and Navigation- DELETED SECTION" for further explanation.
Dredging and Navigation	2	Ship channels should be deepened and widened to accommodate larger ships with greater cargo capacity that will call on Bay Area container terminals if economically justified or if needed for national defense, and if such deepening or widening conforms to State and national environmental law and policies.	Delete	
Dredging and Navigation	3	Ship channels, turning basins, and berths should be maintained to the depths and widths necessary to safely accommodate the kinds of ships docking at the Bay Area marine terminals if economically justified or if needed for national defense, and if such deepening or widening conforms to State and national environmental law and policies.	Delete	
Dredging and Navigation	4	Adequate capacity for disposal of dredged material should be provided to accommodate necessary dredging of channel and berth areas designated in the plan. Pending completion of the Long Term Management Strategy (LTMS) for dredging, sites designated as port priority use areas on Mare Island that are currently being used for the disposal of dredged materials should be retained as port priority use areas and evaluated for continued designation when the recommendations of the LTMS are complete. Similarly, the Praxis site should be reserved for port priority use pending	Delete	

		the recommendations of the LTMS concerning the site's use as a regional disposal or rehandling facility.		
Dredging and Navigation	5	BCDC should request the LTMS Management Committee to re-evaluate the projected dredging volumes in the region and the need for upland disposal and rehandling, and report its findings to BCDC within one year from the adoption of the Seaport Plan.	Delete	

Table 6: Ground Transportation- Proposed Revisions to 2012 Plan.

2012 Policy	Policy	2012 Text	Status	Comments
Ground Transportation	1	Local, state and federal government actions, such as land use decisions, public works projects, or rail abandonments, should improve, and not impede, access to the marine terminal sites identified in the Seaport Plan. Funding for a transportation project affecting ports or port sites should be approved or endorsed by MTC only if the project is consistent with the policies of the Seaport Plan unless there are overriding regional considerations.	Revise	Second part of this policy is already implied by the first sentence. Revised for clarity and enforceability. See new "Regional Coordination and Future Seaport Plan Updates" Policy 1
Ground Transportation	2	The Bay Area ports, local governments and marine terminal operators should take steps to make the best possible use of existing ground transportation facilities, and should employ measures to mitigate any significant adverse environmental effects of increased traffic at existing and proposed marine terminal facilities.	No change	

Ground Transportation	3	Local and regional transportation planning and funding priorities should facilitate the efficient movement of goods by rail and truck to and from the Bay Area ports.	Delete	
Ground Transportation	4	Ground transportation improvements needed primarily to serve existing or proposed marine terminals should be included in Congestion Management Agency transportation funding priorities only if such improvements and the development they serve are consistent with the policies of the Seaport Plan.	Delete	
Ground Transportation	5	If funding agencies must choose between marine terminal-related ground transportation projects, highest priority should be given to projects that: <ul style="list-style-type: none"> • Best use existing port and transportation facilities; and • Best enhance the movement of Bay Area waterborne cargo. 		

Table 7: Proposed revisions to Part II- Designations policies.

2012 Policy	Policy	2012 Text	Status	Comments
Benicia	1	By the year 2020, the Port of Benicia _____ _____ _____	Delete	Staff propose
Benicia	2	The Port is designated as an active, 3- _____ _____	Delete	

Oakland	1	By the year 2020, the Port of Oakland should have the annual cargo throughput capabilities shown in Table 11.	Delete
Oakland	2	Development of the Joint Intermodal Terminal and Vision 2000 berths at the former Fleet and Industrial Supply Center Oakland (FISCO), along with the planned relocation of the Joint Intermodal Terminal and subsequent expansion of the Port's container terminal areas, will accommodate the Port's projected growth in container cargo shipping through the year 2020 without significant Bay fill.	Delete
Oakland	3	Schnitzer Steel is and should remain designated as an active dry bulk terminal as long as the facility is used for this purpose. At such time as the site is no longer needed for recycling scrap steel or other bulk shipping operations, it should first be considered for conversion to a container terminal. If Schnitzer Steel is converted to a container terminal, it should have an expected annual throughput capability of 1,520,000 metric tons.	Delete
Oakland	4	Approximately 29 acres of Bay fill will be needed at Berths 20-21 to create a longer linear wharf and backland for efficient terminal operations at the Outer Harbor. This project will be implemented as part of the Port's phased program of relocating the JIT and expanding its container terminal areas.	Delete
Redwood City	1	By the year 2020, the Port of Redwood City should have the annual cargo throughput capabilities shown in Table 13.	Delete
Redwood City	2	The U.S. Geological Survey research berth at Wharf 4 is not currently used for cargo, but could be an active cargo	Delete

		berth if and when the U.S.G.S. should leave the site.	
Redwood City	3	The Port should reallocate the land within its jurisdiction to obtain the most efficient storage and maximum maritime cargo throughput. All of the land within the port priority use designation should be used for maritime activities, consistent with the definition of port priority use areas. The port priority use area at the Port of Redwood City is shown in Figure 5.	Delete
Richmond	1	By the year 2020, the Port of Richmond should have the annual cargo throughput capabilities shown in Table 15.	Delete
Richmond	2	The ARCO Terminal is designated as an active proprietary liquid bulk terminal, with the potential to be converted to a one-berth container/neo-bulk terminal if and when no longer needed by ARCO for its present use.	Delete
Richmond	3	The vacant Santa Fe dock, Terminal 12 on the Santa Fe Channel, is designated as a future one-berth dry bulk terminal.	Delete
Richmond	4	The Kinder Morgan berth, on the Santa Fe Channel, is designated as an active one-berth liquid bulk terminal.	Delete
Richmond	5	The National Gypsum and Levin-Richmond terminals are designated as active proprietary terminals that handle dry bulk cargoes.	Delete
Richmond	6	Terminals 5-6-7 should be combined into a 3-berth container terminal with near dock intermodal rail facilities. The 140-acre container terminal would require 15 acres of fill in the Graving Docks (Terminal 6), and 18 acres of fill at Terminal 5.	Delete
Richmond	7	Figure 6 depicts the port priority use area at the Port of Richmond.	Delete

San Francisco	1	The Port of San Francisco should have the annual throughput capabilities shown in Table 17.	Delete
San Francisco	2	Although the Port's container terminals and Intermodal Container Transfer Facility are unused or underused now, in the longer term they are expected to be needed to serve container shippers with cargoes destined for Northern California. Therefore, the Port's container facilities and sufficient backland to create another container berth at Pier 94N, as well as the Intermodal Container Transfer Facility, should be reserved in port priority use to accommodate future container cargo growth.	Delete
San Francisco	3	Figure 7 shows the port priority use areas at the Port of San Francisco. Figures 8 and 9 provide greater detail of the boundaries of the port priority use areas at Piers 68-70 and Piers 90-96.	Delete
Selby	1	The Selby site should be reserved for developing the facilities and annual cargo throughput shown in Table 18.	Delete
Selby	2	Figure 10 shows the port priority use area at Selby.	Delete
Concord	1	The Concord Naval Weapons Reservation should be reserved as a port priority use area to be considered for bulk cargo marine terminal development if and when the Navy ceases its munitions operations.	Delete
Concord	2	Figure 11 depicts the Concord Naval Weapons Reservation port priority use area.	Delete