

San Francisco Bay Conservation and Development Commission

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September 29, 2023

TO: Commissioners and Alternates

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

(For Commission consideration on **November 2, 2023**)

Preliminary Staff Recommendation

To comprehensively update the *San Francisco Bay Area Seaport Plan (Seaport Plan)* for the first time since 1996, the staff preliminarily recommends that the Commission:

- Adopt the new *San Francisco Bay Area Seaport Plan (Seaport Plan)* to replace the existing *Seaport Plan*.
- Amend *San Francisco Bay Plan* Maps 2, 3, 4, 5, and 6, to modify existing Port Priority Use Area boundaries in the Cities of Oakland, Redwood City, Richmond, and San Francisco.
- Amend the *San Francisco Bay Plan* Part IV - Development of the Bay and Shoreline findings and policies for Ports.
- Amend Resolution 16.
- Make necessary findings regarding environmental impacts outlined in the Environmental Assessment.
- Approve an Addendum to the *Cargo Forecast*.
- Approve dissolution of a 1978 MOU between BCDP and the Metropolitan Transportation Commission (MTC) regarding the *Seaport Plan* and the Seaport Planning Advisory Committee (SPAC).

An affirmative vote of two-thirds of the Commission membership (18 members) is required to amend the *San Francisco Bay Plan* and *Seaport Plan*.



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Executive Summary

The purpose of the November 2, 2023, Commission meeting is to hold a public hearing for Bay Plan Amendment (BPA) 1-19. BPA No. 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* to better anticipate cargo growth across the Bay Area.

BCDC staff worked collaboratively with the Seaport Planning Advisory Committee, or 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 *Seaport Plan's* policies.
- Introduce new topic areas to align the *Seaport Plan* with BCDC's newer policy areas 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.

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.

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.

I. 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 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 *Draft Plan*.

II. 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.

III. 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 Oakland 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 in 1982. Here is how the *2012 Plan* is structured:

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

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: General Policies, contains policies that apply to the Port Priority Use Areas in the following seven topic areas: Cargo Forecast, Port Priority Use Areas, Marine Terminals, Container Terminals, Bulk Terminals, Dredging and Navigation, and Ground Transportation.

Part II, Designations, 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 and designates—or allocates—projected cargo volumes to the five Bay Area ports. Specifically, the policies in Part II 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, the type of cargo they should handle, and how much cargo they should theoretically be able to handle on an annual basis. Part II also has policies specific to each of the five ports.

Part III, Implementation, delineates the responsibilities and authorities of the implementing entities (BCDC, the Metropolitan Transportation Commission (MTC), and other agencies), how the plan should be amended, and the need for further studies.

Readers who are unfamiliar with the existing *Seaport Plan* may wish to read it to better understand the revisions being proposed by staff. It is available here:
<https://www.bcdc.ca.gov/seaport/seaport.pdf>

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.

IV. Reasons for updating the *Seaport Plan*

In January 2019, the Commission voted to initiate BPA No. 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. In addition to the *Cargo Forecast's* expiration, most of the information in the *2012 Plan* is outdated. Topics reflected in recently adopted *Bay Plan* policies like environmental justice or climate change are not specifically addressed 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 next section provides an overview of the approach that staff took to this work.

V. 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 No. 1-19 in January 2019.

After the Commission initiated the amendment and circulated a brief descriptive notice, 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 six 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 resumed 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 paused work on BPA No. 1-19 for the *Seaport Plan* general update while BPA No. 2-19 was being evaluated because Assembly Bill 1191 (Bonta, 2019) required the Commission to act on that matter within a specific timeframe. On June 30, 2022, the Commission voted to remove Howard Terminal from Port Priority Use.

In Fall 2022, after BPA No. 2-19 was complete, staff restarted the process of updating the *Seaport Plan*. 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 beginning on p. 18 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* is substantially new.

The *Draft Plan* was circulated to the SPAC and interested parties in June 2023. In July 2023, BCDC staff presented the *Draft Plan* to the SPAC at a public meeting and received in-depth feedback. The SPAC voted 7-0 to recommend Commission approval of the *Seaport Plan*, with the understanding that BCDC staff would revise the plan in response to SPAC feedback and public comment. After the SPAC meeting, staff revised the *Draft Plan*, and a list of specific revisions is described beginning on p. 33 of this report.

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

If the Commission votes to approve the Draft Plan, it will then be sent to the CA Office of Administrative Law and the NOAA Office of Coastal Management for adoption into the California Coastal Management Program.

A note on Howard Terminal (BPA No. 2-19)

The Commission voted to remove the Port Priority Use Area from the Howard Terminal site in the Port of Oakland on June 30, 2022 (BPA No. 2-19). However, that site 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” and also pertains to BPA No. 2-19. 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 the Howard Terminal site, including pending litigation regarding the Commission’s action to approve BPA No. 2-19, staff are not proposing to reinstate Howard Terminal as part of BPA No. 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 Area designation that was removed by BPA No. 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 Area designation on Howard Terminal, though staff may likely agendize 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 Area designation, Howard Terminal can still be used for maritime purposes. The significance of the Commission’s removal of the Port Priority Use Area designation via BPA No. 2-19 is just that the Howard Terminal site is not limited to solely maritime uses. The *Draft Plan* includes Howard Terminal in a table of potential cargo expansion sites, with a qualifying footnote describing its special status.

Description of the proposed amendment

This proposed amendment to the *Seaport Plan* and *Bay Plan* would replace the entirety of the existing *Seaport Plan* with a new *Seaport Plan*, affecting multiple findings, policies, and map designations.

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 will be included as a separate appendix. 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:
 - The Seaport Planning Advisory Committee
 - Climate Change
 - Environmental Justice and Social Equity, and;
 - 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.** The proposed policies increase flexibility 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.

- **Updated Port Priority Use Area boundaries.** Staff worked with the ports individually on requests to amend Port Priority Use Area boundaries. 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 believes 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 next sections summarize the major changes that appear in the new *Draft Seaport Plan*, as compared to the *2012 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.

I. 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 updating the plan, a description of ports and the major types of cargo that move through the Bay Area, and a summary of the *Cargo Forecast*.

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

The *Seaport Plan's* findings and policies have not been substantially revised since 1996. The *Draft Plan* thus contains extensive changes. 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 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 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 in the *Seaport Plan*.

To clarify the roles, 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 appointed by MTC/ABAG	Balancing BCDC and MTC/ABAG appointments. BCDC staff coordinated this change with MTC/ABAG.
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 and/or environmental justice organizations	Adding to further BCDC's Environmental Justice and Social Equity policies
-	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. Thus, the composition of the SPAC is focused on technical expertise.

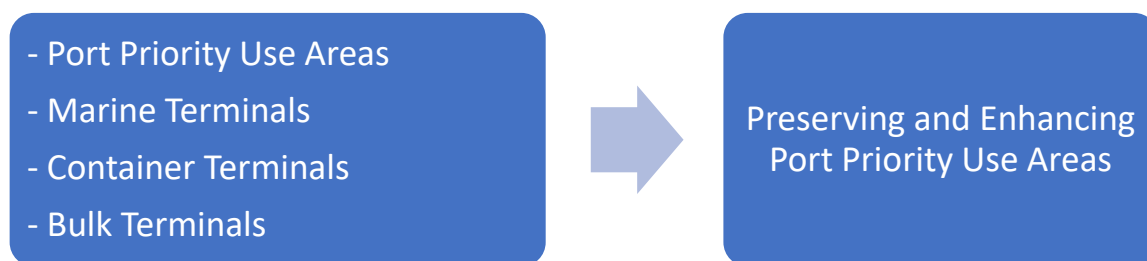
The Cargo Forecast- *REVISED TOPIC AREA*

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 high-level overview of the *Cargo Forecast* for reference.

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 and SPAC in its advisory review. 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 changes to the use of Marine Terminals (Cargo Forecast Policy 5) requires the SPAC to review potential changes to the use of marine terminals. 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 Area and Marine Terminal “designations”. The designations are more than just land use maps. As previously mentioned, the *2012 Plan* requires each port to have the ability to handle certain volumes of cargo 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 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.** Port Priority Use Areas are not exempt from BCDC's public access requirements, as described in the *Bay Plan*, but staff recognize that these requirements will often result in in-lieu access in Port Priority Use Areas. A revised public access policy encourages projects in Port Priority Use Areas to consider amenities that enhance the public's access to or understanding about the working waterfront, when those requirements are triggered.
- **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 the above 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 can 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 provide technical expertise and 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.

III. 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, 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, 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 Area maps have become outdated. As part of the BPA No. 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. The Port Priority Use Areas are depicted in *Bay Plan* maps 2, 3, 4, 5, and 6, as well as the *Seaport Plan*. Appendix B shows the final boundaries of the proposed revisions to the *Bay Plan* maps.

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.

The existing *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 the Port Priority Use Area 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.

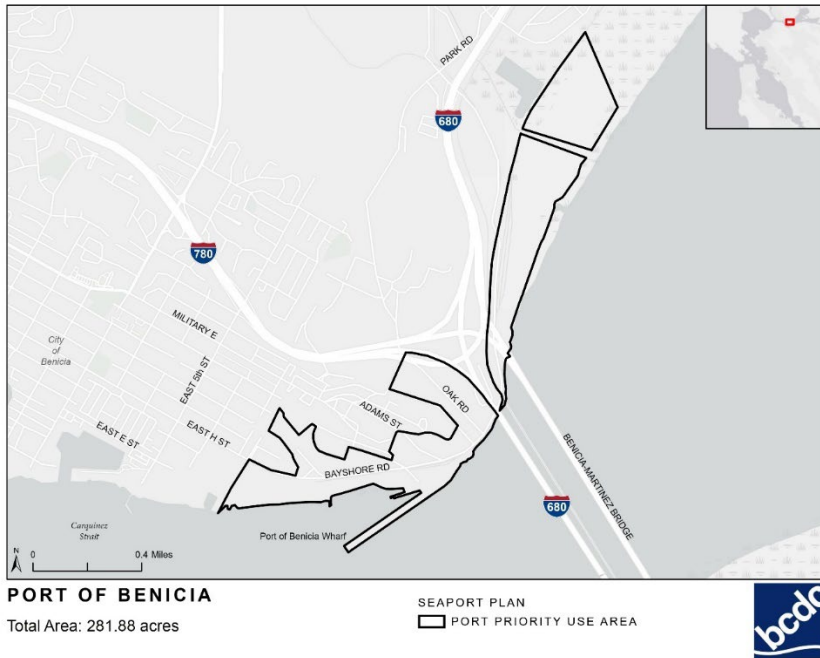
Below, staff have summarized the results of the March 2021 analysis. As previously mentioned, in 2022, BCDC staff also asked the ports or cities requesting changes to their map boundaries to conduct community engagement, commensurate with the nature of their requests, regarding their proposed map changes. 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.

Staff presented an analysis of the boundary changes at the July 2023 SPAC meeting and did not receive any specific feedback about the proposed revisions. The SPAC voted in favor of approving the *Draft Plan* 7-0.

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



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 evaluated by the SPAC. 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 1.2 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 Area designations from approximately 189 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:

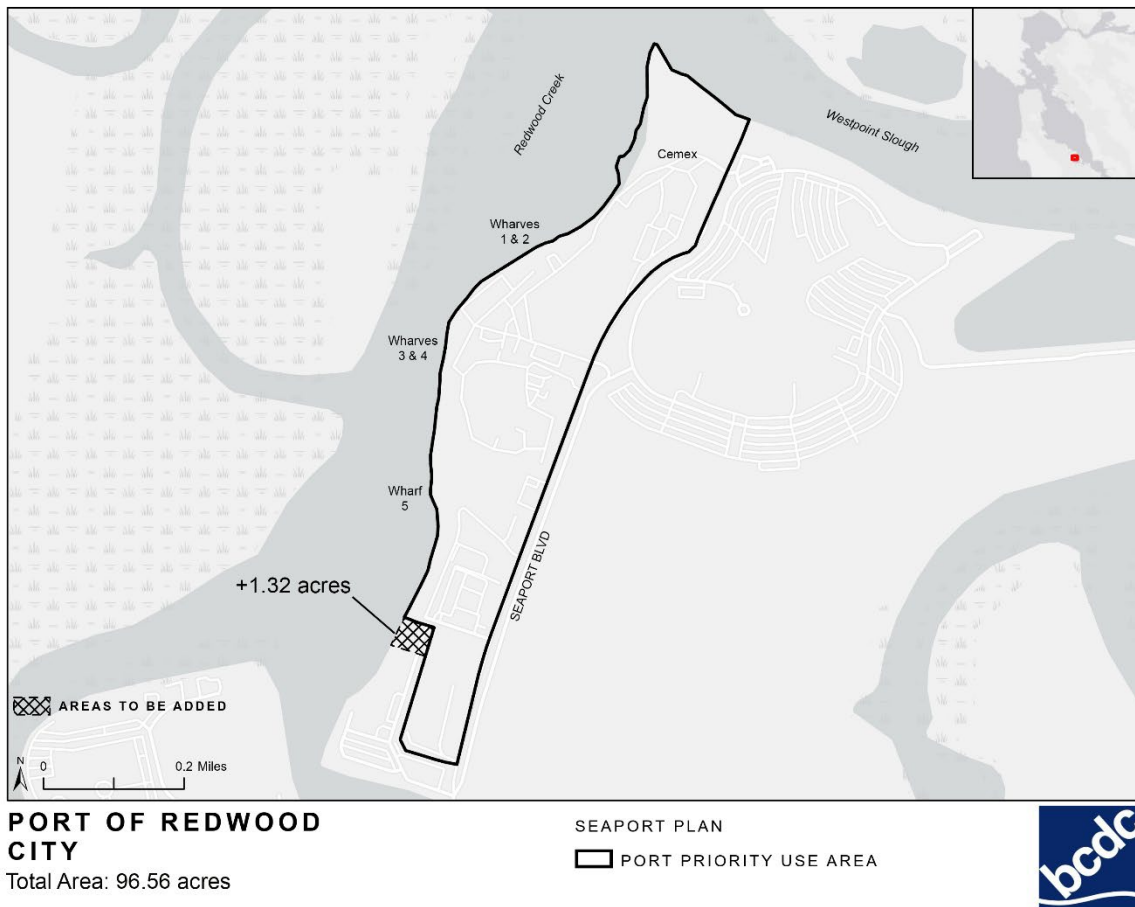
Development of the proposed 16.7-acre Port Priority Use Area for ancillary maritime services was evaluated through an extensive community process under the Base Reuse and Closure (BRAC) Act and pursuant to the California Environmental Quality Act and City approval of the Redevelopment Plan and Environmental 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 Area designation than the currently designated site. Staff thus recommend approving this request.

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 Area. 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.

Note regarding future plans at the Port of Redwood City

The Port of Redwood City is considering potential projects that may necessitate a future update to the *Seaport Plan* and/or require permits from BCDC. These initiatives are in early stages and are thus not evaluated in the *Seaport Plan*, but the Port of Redwood City shared the following summary as an informational update for the Commission's benefit:

The Port of Redwood City is currently evaluating development of a passenger ferry terminal at the end of Seaport Boulevard that would accommodate new ferry services operated by the Water Emergency Transportation Authority (WETA) which would connect to San Francisco and/or Oakland. The Port of Redwood City has long been considered a potential ferry terminal site, with the first terminal planning study completed in 2007. Redwood City and WETA first studied ferry service at the end of Seaport Boulevard beginning in 2012. The Port is currently initiating the CEQA evaluation for the ferry terminal, which would include waterside components consisting of berths for two ferry vessels at a pile supported barge or floating dock with ramps and gangways to pile-supported shelter platform, electric utilities for boarding ramps, shore power and lighting. The landside components would consist of an open-air ferry terminal passenger boarding and alighting facility, a parking lot with transit stops for shuttles/ride share, roadway improvements, bike/pedestrian network connections,

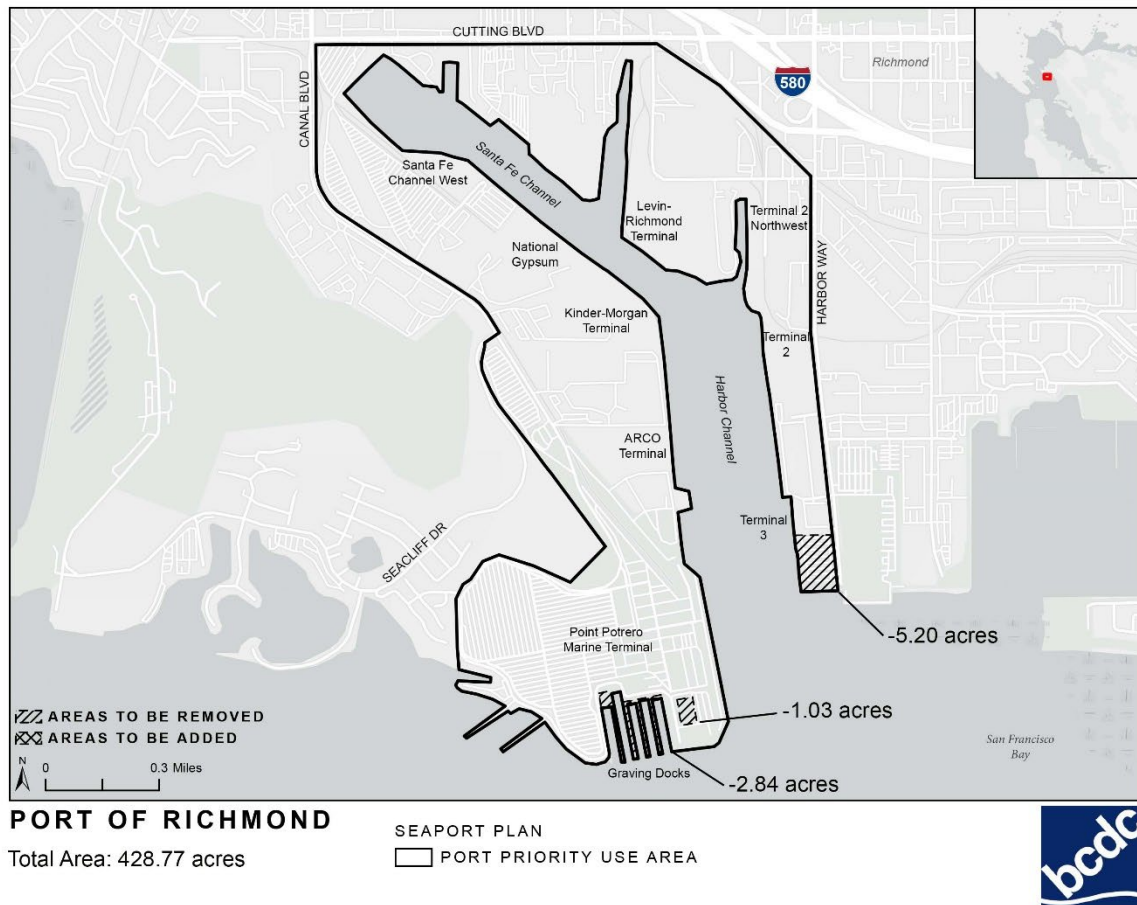
secure bike parking, and electrical, communication and water utilities serving the ferry terminal. Consistent with the Port's 2020 Vision Plan, the Port is also evaluating future uses at the site to expand waterfront access to the community and increase visitor-serving amenities. This is expected to include development of an extension of the Bay Trail along the water's edge with pedestrian and bicycle connections to the surrounding roadway and trail network. Other planned complimentary uses would include a hotel/hospitality uses with associated restaurant/dining, limited retail and meeting/event facilities (including possible relocation of Port offices). The Ferry Terminal EIR will be evaluating these additional uses at a programmatic level.

Any future amendments to the *Bay Plan* or BCDC permits would need to be evaluated independently of BPA No. 1-19 according to BCDC's regular processes.

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:

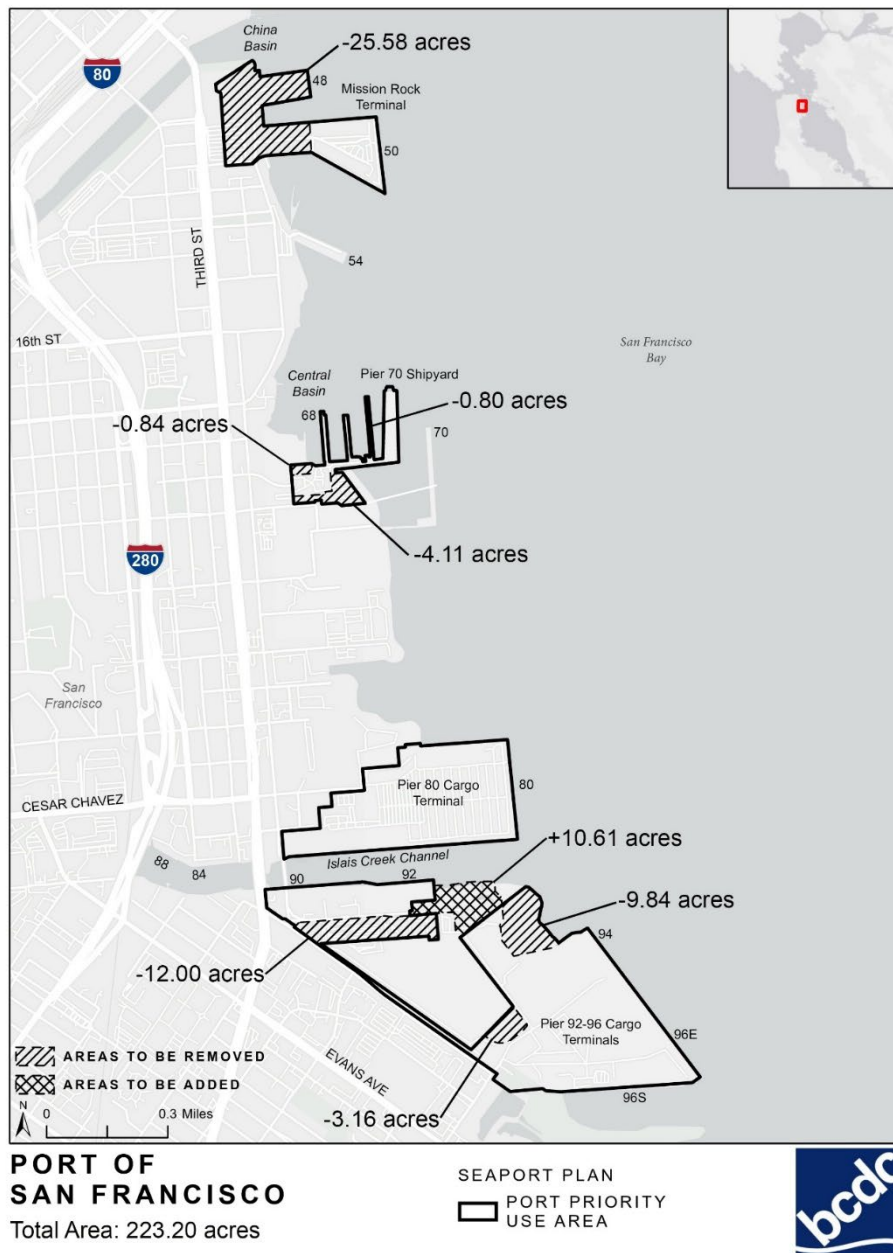
The City of Richmond has commissions that review, discuss, and approve land use changes, including waterfront. The Design Review Board functions as the decision-making body for the design of new development projects and most exterior changes to existing buildings. The Board also acts as an advisory body 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*. 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.

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 Area 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 Area 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.

Reserve Areas: Selby and the Concord Naval Weapons Station.

The *2012 Plan* includes Port Priority Use Area 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 Area 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 Area 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 surrounding communities.

Selby has been designated for Port Priority Use since 1982 when the original *Seaport Plan* added a Port Priority Use Area designation to the previously existing Water-Related Industry Priority Use Area 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 Area 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 Area designations from both the Selby and Concord sites.

Removing the Port Priority Use Area designations would not remove the Water-Related Industry Priority Use Area designations from either site. The Water-Related Industry designation is a separate priority use area 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 Area 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.

IV. 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.

Revisions to Draft Plan since July 2023 SPAC Meeting

The version of the *Draft Plan* circulated with this staff report has already been revised to incorporate feedback that BCDC received from the SPAC members, individual ports, public comments, and Commissioners, before and after the July 25, 2023 SPAC meeting to discuss the first draft of the Plan.

This section summarizes those comments and revisions so that readers can learn how that feedback has been incorporated into the latest *Draft Plan*. It will be most relevant for individuals who already read the first draft of the Plan or anyone else who wants to learn how the feedback received by various stakeholders shaped the latest *Draft Plan*.

Introduction: Seaport Plan Goal 5.

Draft Plan p. 4

In response to a suggestion from Caltrans to add an overall plan goal related to climate adaptation, staff has revised Goal 5 to incorporate climate change and sea level rise. This revised goal better reflects BCDC's role as it relates to supporting the economic vitality of the ports.

SPAC Policy 1: SPAC Composition and Assignment.

Draft Plan p. 15

The number of SPAC representatives from MTC/ABAG has been reduced from 2 to 1 at MTC/ABAG's request.

Cargo Forecast Finding C: Other Cargos.

Draft Plan p. 16-17

A sentence has been added to acknowledge that future updates to the Cargo Forecast may need to account for demand on marine terminals due to demand for infrastructure related to offshore wind energy.

Preserving and Enhancing Port Priority Use Areas Finding K: Offshore Wind Energy.

Draft Plan p. 23

In response to feedback from the Port of San Francisco regarding an emerging need for marine terminal infrastructure to support offshore wind energy development, a new finding provides an overview of offshore wind energy development and highlight the potential co-benefits of infrastructure investment. The finding also explains that the *Bay Plan* has a designation for

Water-Related Industry Priority Use Areas that is different from Port Priority Use Areas. Offshore wind energy fabrication, assembly, and shipping would likely be categorized as Water-Related Industry Priority Use rather than Port Priority Use and may be permitted as an interim use, depending on the specific details of the project. Interim uses allow the area in question to be returned to a cargo use later, if needed.

Preserving and Enhancing Port Priority Use Areas Policy 3: Adding or Removing Port Priority Use Areas.

Draft Plan p. 24

This policy has been revised to remove draft subdivisions a.i and a.ii regarding requirements for an Environmental Assessment (EA). Existing regulations already specify the environmental analysis required in an EA in relation to a Bay Plan Amendment to remove a Priority Use Area designation (14 CCR sections 11003(b)(6) and 11521). The policy was edited for simplicity, clarity, and accuracy.

The policy has also been revised to provide more detail about the justification that goes into adding or removing Port Priority Use Areas, specifically, to discuss the feasibility of the site and pressure for Bay fill.

Finally, draft subdivision e, which required consultation with the SPAC, has been deleted and reincorporated into the first paragraph of the policy to clarify that the SPAC should evaluate requests to add or remove Port Priority Use Areas, and may make an advisory recommendation to the Commission. BCDC staff expect future matters before the SPAC to be considered and voted on in a manner similar to past instances, but the intent of the revised policy is to clarify the SPAC's role as advisory to the Commission.

Preserving and Enhancing Port Priority Use Areas Policy 9: Public Access.

Draft Plan p. 25

In response to a comment letter from PMSA and suggestions from SPAC members, a sentence has been added to clarify that public access uses should be permissible in Port Priority Use Areas provided the use does not significantly impair the efficient utilization of the port area. This language mirrors *Bay Plan* Port Policy 3, and this is reiterated in the *Draft Seaport Plan* Port Priority Use Area finding L.

Port Priority Use Areas are not exempt from BCDC's public access requirements, as described in the *Bay Plan*, but staff recognize that due to the inherent hazardous nature of ports as working areas, application of BCDC's public access requirements may result in in-lieu access in Port Priority Use Areas when public access is warranted for a particular project proposal. The *Seaport Plan* policy is intended to be consistent with the *Bay Plan* policies. It does not change the *Bay Plan's* requirements. The intent of the *Seaport Plan* policy is to point to a wider range of amenities that can be provided to enhance the public's access to or understanding about the working waterfront, when the public access requirements are triggered.

Climate Change Policy 1: Adaptation to Rising Sea Levels.

Draft Plan p. 27

In response to a suggestion from the Port of San Francisco, this policy has been revised to strengthen the language and emphasize the need to recognize and support the regional economic and emergency response functions of the seaports and their need, generally, to adapt in place.

Environmental Justice and Social Equity Policy 2: Projects to Reduce Air Emissions.

Draft Plan p. 29

The word “possible” has been replaced with the word “feasible”. The purpose of this policy is to express BCDC’s support for port-led projects that advance zero emissions goals to streamline permitting and find those projects consistent with the Port Priority Use Area designation. This policy does not introduce any new requirements for the ports.

Regional Coordination and Future Seaport Plan Updates Finding A: Transportation Planning.

Draft Plan p. 30

In response to a suggestion from Caltrans, this finding has been updated to specifically refer to the California Freight Mobility Plan.

Regional Coordination and Future Seaport Plan Updates Finding B: Plan Bay Area Growth Geographies.

Draft Plan p. 30

In response to feedback from the Port of Redwood City, this finding has been revised to explain the ways that MTC’s Growth Geographies have the potential to either complement or conflict with BCDC’s Port Priority Use Areas and emphasize the need for MTC and BCDC to coordinate on those designations. Thanks to this feedback, BCDC and MTC staff have begun to discuss how to coordinate Growth Geography and Port Priority Use Area designations. MTC plans to include an Implementation Plan Action in Plan Bay Area 2050+ to coordinate with BCDC in an update to the Regional Growth Framework through PBA60.

Howard Terminal

Preserving and Enhancing Port Priority Use Areas: Table 3.

Draft Plan p. 22

Howard Terminal has been included in Table 3 “Existing Marine Terminal Expansion Sites”, with a qualifying footnote to explain its unique status (p. 22 of the *Draft Plan*). As explained in the accompanying footnote, Howard Terminal is subject to the provisions of AB 1191. The acreage and possible uses of the site derive from the correlating Cargo Forecast Exhibit 14 (p. 12 of the Cargo Forecast).

Addendum to the Cargo Forecast.

The Addendum to the *Cargo Forecast* has been revised. Text about Howard Terminal that was previously a footnote has been elevated to the main body of text to ensure that readers see this note and understand the unique status of the Howard Terminal site, which is subject to AB 1191. Howard Terminal has also been added to Table 1,

which displays the Port of Oakland Terminals and Acreages (this table corresponds to Exhibit 4 of the *Cargo Forecast* on p. 4), with an appropriate footnote.

Response to Public Comments

In addition to feedback received by the SPAC, individual ports, and other stakeholders throughout the planning process, BCDC received three public comment letters specific to the *Seaport Plan* update. A response to each letter is below.

June, 2020

Re: Remove the Port of Selby from the Seaport Plan and the Bay Plan
From: Concerned Neighbors of Selby Slag and the Rodeo Citizens Association

BCDC staff thanks the Concerned Neighbors of Selby Slag and the Rodeo Citizens Association for their letter requesting the removal of the Selby reserve site from Port Priority Use. In response to this request, and based on staff's assessment of this site, BCDC staff recommends removing Selby (as well as the Concord Naval Weapons Reservation) from the Port Priority Use Area designation in the *Seaport Plan* and *Bay Plan*. Please see p. 31 of this staff report for more information.

In short, the Selby reserve area has been designated in the *Seaport Plan* as a Port Priority Use Area since the original plan was published in 1982, but no plans to develop the site for cargo use have materialized in that 40-year timeframe, and staff are unaware of any such plans to develop the site for cargo use going forward. Staff thus recommend removing the site from Port Priority Use. Please note that removing the Port Priority Use Area designation would not remove the Water-Related Industry Priority Use Area designation from the site. The Water-Related Industry designation is a separate Priority Use Area designation in the Bay Plan that is not part of the Seaport Plan and was not part of the scope of the Seaport Plan update.

July 21, 2023

Bay Plan Amendment ("BPA") #1-19 – Draft Seaport Plan, June 2023
Mike Jacob, Pacific Merchant Shipping Association (PMSA)

BCDC staff thanks Mike Jacob and PMSA for providing detailed feedback on the *Draft Seaport Plan*. Staff has responded by point below, summarizing the comments made in the PMSA letter:

Advent of the offshore wind energy market in California coastal waters will create new demand for seaport infrastructure.

Staff has added a sentence to Cargo Forecast Finding c to note that future updates to the Cargo Forecast may need to analyze demand for offshore wind infrastructure. Staff has also added a

new Preserving and Enhancing Port Priority Use Area Finding k to describe this issue and explain how wind turbine fabrication and assembly may be deemed interim uses under the *Bay Plan*.

Increased demand for Zero-Emissions truck charging and powering infrastructure will also compete for space at the ports.

Staff has modified Cargo Forecast Policy 1 to note that the Commission and SPAC should monitor emerging trends that could impact cargo capacity, including infrastructure for zero-emissions truck charging.

As demonstrated by the pandemic, the economy and extraordinary circumstances will not produce cargo volumes which are always grown in a smooth, linear progression. The Cargo Forecast explains this but the Draft Plan does not explicitly create a policy to buffer for surge demand.

As noted in this comment, the *Cargo Forecast* explains that cargo growth is unlikely to happen in a linear fashion. The Commission can take this information into account in its decision-making when assessing requests to add or remove Port Priority Use Area according to *Seaport Plan* policies. The revised *Seaport Plan* policies enable the Commission to consider the *Cargo Forecast*, the feasibility of the site, and whether removal of the site would increase pressure for Bay fill, in its consideration of such requests. Staff does not believe a new policy is needed in this instance.

PMSA supports revisions to the SPAC's composition to include a maritime stakeholder.

Comment noted.

Growth in wind energy supporting seaport demand should be reflected either in Finding C or a new finding.

See above response. A sentence about offshore wind has been added to this finding, in addition to a new finding specific to offshore wind.

Howard Terminal should be included in Table 2 and Table 3 of the Seaport Plan.

Table 2 is specific to marine terminals that are actively handling cargo, but Howard Terminal has been added to Table 3 with a qualifying footnote based on feedback from stakeholders. Table 3 was derived from Exhibit 14 of the *Cargo Forecast* and that is where Howard Terminal was listed. See "Revisions to Draft Plan since July SPAC Meeting" in this staff report for more explanation.

PMSA opposes the revision of this policy such that it explicitly removes the SPAC from the existing policy that requires a SPAC determination.

As noted above on p. 33, proposed subdivision e, which required consultation with the SPAC for removal of Port Priority Use Areas, has been relocated and incorporated into the first paragraph of the policy to clarify that the SPAC should evaluate requests to add or remove Port Priority Use Areas, and may make an advisory recommendation to the Commission.

PMSA supports the inclusion of the proposed layberthing policy.

Comment noted.

PMSA opposes the deletion of the original language of the public access policy.

This policy has been modified to mirror language in *Bay Plan* Port Policy 3 based on stakeholder feedback. See p. 33 of this staff report for further explanation.

PMSA supports the inclusion of findings and policies for sea level rise. However, to the extent that the Seaport Plan goes beyond or conflicts with plans submitted to the State Lands Commission, PMSA recommends that the plans submitted to the State Lands Commission pursuant to AB 691 should govern.

Comment noted. The intent of this policy is to support coordination between BCDC, the ports, and other regional agencies such as the State Lands Commission that may require the ports to prepare sea level rise assessments or plans. This policy does not introduce any new requirements.

PMSA supports the policy supporting zero-emissions development, but the use of the phrase “whenever possible” sets an unreasonable standard for this transition. PMSA suggests using the word “feasible” instead.

The word “possible” has been replaced with the word “feasible” in response to stakeholder and SPAC feedback.

The Seaport Plan should recognize the special PPUA designation for Howard Terminal in light of AB 1191.

As noted above, Howard Terminal has been added to Table 3 of the Seaport Plan with a qualifying footnote, as well as the Addendum to the *Cargo Forecast*, noting its unique status and the requirements of AB 1191.

July 24, 2023

Re: Bay Plan Amendment (“BPA”) #1-19, June 2023 DRAFT Seaport Plan; Treatment of Howard Terminal

Coalition Letter: California Trucking Association, Customs Brokers and Freight Forwarders of Northern California, GSC Logistics, Harbor Trucking Association, International Longshore & Warehouse Union, Pacific Merchant Shipping Association, Propeller Club of Northern California, and SSA Terminals

BCDC staff thanks this coalition for their letter. Please see Section I of this report “A note on Howard Terminal”. Given the ongoing uncertainty around the future of Howard Terminal, including pending litigation regarding the Commission’s approval of BPA No. 2-19, staff are not proposing to reinstate Howard Terminal as part of BPA No. 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 Area designation that was removed by BPA No. 2-19 will be automatically reinstated on the Howard Terminal property.

Section III of this staff report “Revisions to Draft Plan since July SPAC Meeting” describes how staff propose to include Howard Terminal in relevant tables in the Seaport Plan. In response to this comment, staff added Howard Terminal to Table 3 (Existing Marine Terminal Expansion Sites) with an appropriate footnote regarding its unique status. Staff does not recommend adding a map of Howard Terminal to the Port Priority Use Area boundaries map because there is no “conditional” Port Priority Use Area *Bay Plan* designation. However, staff have added Howard Terminal back into the *Cargo Forecast* addendum, as suggested. BCDC staff will update the *Seaport Plan* and *Bay Plan* as required per the terms of AB 1191.

Revisions to the *Bay Plan*

The proposed revisions to the boundaries of the Port Priority Use Areas are described beginning on p. 18 of this report. Appendix B illustrates the final version of the *Bay Plan* maps and associated deletion of the Selby and Concord Naval Weapons Station Port Priority Use Areas from the *Bay Plan* map notes.

Additionally, staff recommends making a limited number of revisions to Part IV of the *Bay Plan* Port Findings and Policies to remove outdated information and to align the Port section of the *Bay Plan* with the updated *Seaport Plan*. The recommended changes are below. Deleted text is in ~~strikethrough~~ and new text is underlined.

Ports

Findings

- a. San Francisco Bay is one of the world's great natural harbors, and maritime commerce is of primary importance to the entire economy of the Bay Area.
- b. Adequate modern port terminals and ground access facilities and deeper shipping channels will be needed to preserve and enhance the standing of the Bay Area as a major world harbor and to keep pace with changes in shipping technology.
- ~~c. Of particular importance for Bay planning is the expected growth in containerized cargo handling, which require large, specially designed terminals and supporting transportation facilities. Also important are the expected growth in automobiles, iron and steel, and dry bulk cargoes (requiring fewer, generally smaller terminals than containerized cargo) and the continued surplus of break-bulk terminals expected as general cargo is increasingly containerized or handled at combination container/break-bulk terminals.~~
- ~~d. There are enough shoreline sites to accommodate currently projected cargo growth to the year 2020, with a minimum of Bay filling. However, to do so, new terminals must be built at the most suitable sites. Bay fill for new terminals must be minimized to conform to the provisions of the McAteer-Petris Act, the efficiency of existing and new terminals must continue to increase, and all of the available sites must be reserved for terminals. This will require careful coordination of port development with other shoreline uses, local government protection of sufficient port lands to accommodate port related uses and terminal back land expansions, redevelopment of some existing terminals and industry for new terminals, and deepening channels where it would increase the efficiency of existing terminals.~~
- ~~e. If some ports in the regional system do not have the funds necessary to complete facilities needed by the region, a regional agency may be required to finance or develop them. Otherwise, there will be tremendous pressure to allow the ports with the strongest finances to provide all of the regional facilities, even though this might result in pressures to fill the Bay unnecessarily.~~
- f. No single port agency is responsible for coordinated planning and development of Bay port terminals. In the absence of a seaport plan for the Bay Area, there is a risk that new port facilities could be built by whichever individual port can command the necessary financing even though another site might serve regional needs equally well but with less Bay fill. In addition, a major investment by one publicly operated port could be jeopardized by the unnecessarily duplicating actions of another publicly-operated Bay Area port. And, of particular importance to proper use of the Bay, parts of the Bay could be filled, and shoreline areas taken, for unnecessarily competing port uses.
To minimize these risks and to coordinate the planning and development of Bay port terminals, the San Francisco Bay Area Seaport Plan has been developed.
- g. Bay Area ports are not supported completely by revenues from shipping, but also derive revenues from other uses of port-owned property.

Policies

- 1) Port planning and development should be governed by the policies of the Seaport Plan and other applicable policies of the Bay Plan. The *Seaport Plan* provides for:
 - a) Expansion and/or redevelopment of port facilities at Benicia, Oakland, Redwood City, Richmond, and San Francisco, ~~and development of new port facilities at Selby;~~
 - ~~b) Further deepening of ship channels needed to accommodate expected growth in ship size and improved terminal productivity;~~
 - c) The maintenance of up-to-date cargo forecasts and existing cargo handling capability estimates to guide the permitting of port terminals; and
 - d) Development of port facilities with the least potential adverse environmental impacts while still providing for reasonable terminal development.
- 2) Some filling and dredging will be required to provide for necessary port expansion, but any permitted fill or dredging should be in accord with the Seaport Plan.
- 3) Port priority use areas should be protected for marine terminals and directly-related ancillary activities, as defined in the Seaport Plan. ~~such as container freight stations, transit sheds and other temporary storage, ship repairing, support transportation uses including trucking and railroad yards, freight forwarders, government offices related to the port activity, chandlers, and marine services.~~ Other uses, especially public access and public and commercial recreational development, should also be permissible uses provided they do not significantly impair the efficient utilization of the port area.

I. Staff analysis of Bay Plan Port findings and policies revisions

Staff recommends removing findings C, D, and E, which describe certain assumptions about cargo growth in the region, because the findings are outdated. Staff suggests that *Bay Plan* findings describing trends in cargo growth are likely to become outdated and are better described in the *Cargo Forecast* itself. For example, finding C speaks to the anticipated growth and importance of containerized cargo, which is a well-established global trend. Finding D is a general finding about cargo capacity and the need to carefully coordinate the planning and development of marine terminals. These issues are described in-depth in the *Seaport Plan*. Finding E states that a regional agency may need to finance port facilities when they are suited to meet the region's needs but do not have sufficient funds. Because these topics are discussed in the *Seaport Plan*, staff believes that the Commission would not need to rely on any of these three findings to make decisions on port-related matters in the permitting or planning context. Staff thus recommends deleting the findings to reduce redundant information and simplify the *Bay Plan* findings.

Similarly, the intent of the revisions to the port policies is to update outdated information and simplify the *Bay Plan*. The revision to Policy 1A would remove Selby from the list of expansion/redevelopment sites, as described on p. 31. The revision to Policy 1B would remove a mention of dredging because it is no longer a topic area of the *Draft Plan* (see p. 18). The revision to Policy 3 would reference the Seaport Plan for a definition of Port Priority Use Areas.

Staff suggests referring to the *Seaport Plan* to reduce redundancy between the *Seaport Plan* and *Bay Plan*.

Together, the proposed revisions will remove outdated information and simplify the *Bay Plan's* port findings and policies in recognition of the fact that the *Seaport Plan* covers this information in depth. The revisions do not introduce any new policies or standards.

Consistency with the McAteer-Petris Act

14 CCR § 11003 requires the staff planning report to include “a statement describing the consistency of the proposed change with the findings and declarations of policy in the McAteer-Petris Act (California Government Code Sections 66600 through 66694) if an amendment to the San Francisco Bay Plan is proposed”. Section 66652 of the McAteer-Petris Act also states:

The commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declarations of policy contained in this title.

The two sections below analyze the *Draft Seaport Plan's* consistency with relevant findings and declarations of policy in the McAteer-Petris Act, which are found in Chapter 1 of the law.

I. Analysis: Changes to Findings and Policies

The revisions to Part I of the *Seaport Plan* will provide 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 policy revisions were written specifically to ensure consistency with the Findings and Declarations of Policy in Chapter 1 of the McAteer-Petris Act. Sections 66601 and 66605 are of particular relevance to the *Seaport Plan*. Section 66601 describes the threat of uncoordinated, haphazard filling in San Francisco Bay and the need for a governmental mechanism to evaluate the effect of individual projects on the bay. Section 66605 establishes standards related to Bay fill. In part, it states that fill should only be authorized when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses, including ports. The *Draft Plan* is based on a new *Cargo Forecast* to guide the Commission's decision-making for individual projects that may require Bay fill, consistent with the aims of Section 66601. New or revised policies specific to the *Cargo Forecast* as well as Preserving and Enhancing Port Priority Use Areas implement (rather than replace or modify) the requirements of Section 66605, particularly where Port projects involve fill in the Bay or where planning could contribute to additional pressure to fill the Bay. BCDC staff finds that the changes to the findings and policies of the *Seaport Plan* are consistent with the McAteer-Petris Act.

II. Analysis: Changes to Port Priority Use Area Boundaries

Section 66602 of the McAteer-Petris Act provides the basis for the Commission's establishment of Port Priority Use Areas, and states, in relevant part:

The Legislature further finds and declares that certain water-oriented land uses along the bay shoreline are essential to the public welfare of the bay area, and that these uses

include ports..., and that the San Francisco Bay Plan should make provision for adequate and suitable locations for all these uses, thereby minimizing the necessity for future bay fill to create new sites for these uses...

Section 66611 further states:

No later than December 1, 1971, the commission, after public hearing, of which adequate descriptive notice is given, shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602. After such filing the commission may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps. Such change will become effective only if authorized by an affirmative vote of two-thirds of the commission's members [...]

Staff has analyzed the proposed changes to the Port Priority Use Area boundaries in this staff report and found that the proposed modifications are consistent with the McAteer-Petris Act. The Ports of Redwood City, Richmond, San Francisco, as well as the City of Oakland, requested changes to their Port Priority Use Area boundaries. Three of these requests (Redwood City, Richmond, and San Francisco) include changes within the shoreline band that require a modification to Resolution 16, which contains the Priority Use Area Designations and Boundary Descriptions.

Each of these requests were analyzed in this staff report according to the existing *Seaport Plan* General Policy 4. The purpose of General Policy 4 is to ensure consistency of any proposed PUA modification with Section 66602, in order to coordinate Port water-oriented uses along the Bay and ensure that removal of Port Priority Use Areas do not increase pressure for unnecessary fill. The *Cargo Forecast* did not identify any of the areas being requested for removal from the Port Priority Use Area as being feasible sites for cargo handling and thus, staff conclude that these requests are consistent with General Policy 4 and Section 66602. For details about each site, please see p. 19 of this staff report. The request submitted by the City of Oakland is outside the shoreline band and does not require any modifications to Resolution 16.

Based on BCDC staff's preliminary analysis, BPA No. 1-19 is consistent with the McAteer-Petris Act.

Draft Environmental Assessment

BCDC's regulations (14 CCR section 11003(b)(6)) requires that this staff planning report contain:

an environmental assessment, which shall either (i) state that the proposed amendment will have no significant adverse environmental impacts or (ii) shall describe any possible significant adverse effects that the proposed amendment would have on the environment and shall describe any public benefits of the proposed amendment, any feasible mitigation measures that would lessen the significant adverse environmental impact(s) and shall evaluate any feasible alternatives to the change.

Likewise, 14 CCR section 11521 specifies that the contents of an Environmental Assessment (EA) shall include:

- (a) a brief description of the proposed activity;
- (b) all substantial, adverse environmental impacts that the proposed activity may cause;
- (c) all irreversible environmental impacts that the proposed activity may cause;
- (d) any feasible mitigation measures that would reduce such substantial adverse environmental impacts;
- (e) any feasible alternatives, including design alternatives, to the proposed project that would reduce such substantial adverse environmental impacts; and
- (f) such other information that the Executive Director believes appropriate.

Pursuant to these requirements, Environmental Science Associates (ESA) prepared on behalf of the Commission a draft Environmental Assessment (EA). The draft EA concludes that approval of BPA No. 1-19 will not result in any direct or reasonably foreseeable indirect significant adverse environmental impacts. The draft EA has been included as a separate attachment with the meeting materials.

Resolution 16

BCDC Resolution No. 16, adopted November 18, 1971, and most recently amended April 20, 2023, contains Priority Use Area Designations and Boundary Descriptions. Revising the Port Priority Use Area boundaries described in this report will result in the following changes to Resolution No. 16:

Port of Redwood City

64. Redwood Creek–East (Port) (Amended by Bay Plan Amendment Nos. 5-82, 2-95, ~~and 2-02, and 1-19~~)
- A. South Boundary ~~of Northeast Portion: Southern edge of Henry Beeger Road extended to the shoreline. A point on the shoreline at 122°12'44.2"W 37°30'20.6"N extended southeast along a walking path.~~
 - B. North Boundary ~~of Northeast Portion: Easterly line of Assessor's parcel 54-3-38.~~

Port of Richmond

43. Richmond (Port) (Amended by Bay Plan Amendment Nos. 1-77, 2-95, and 1-19)
- A. West Boundary: West line of parcel 560-320-017-0.
 - B. East Boundary: A point on the shoreline at 122°21'39"W 37°54'39.7"N extended to the east.

Port of San Francisco

79. San Francisco South Waterfront (Port) (Amended by Bay Plan Amendment Nos. 5-82, 2-95, 4-02, and 1-19)
- A. North Boundary of Piers ~~48-50: A point at 122°23'5.5"W 37°46'28"N, extended south to the South Boundary. to Southern line of China Basin extended to the shoreline.~~
 - B. South Boundary of Piers ~~48-50: A point at 122°23'5.3"W 37°46'24.1"N, extend north to the North Boundary. Southern line of Mission Rock Street extended to the south line of Pier 50.~~
 - C. North Boundary of Piers 68-70: A point at 122°23'5.6"W 37°45'43.9"N, extended south. North side of Pier 3.
 - D. South Boundary of Piers 68-70: A point at 122°23'1.4 W 37°45'43.2 N, extended west. North side of 19th Street extended to the Bay.
 - E. North Boundary of Pier 80 ~~to Piers 90-92: Northern edge of Pier 80.~~
 - F. South Boundary of Pier 80 ~~to Piers 90-92: Southern edge of Pier 80 to Illinois St. Eastern edge of Pier 92.~~
 - G. North Boundary of Piers 90-96 ~~and Pier 94-96: Northerly edge of Pier 90 94 East to 3rd St. (NOTE: PUA does not include the Pier 94 wetlands).~~
 - H. South Boundary of Piers 90-96 ~~and Pier 94-96: Southern edge of Pier 96 extended to Cargo Way.~~

Next Steps

The final milestones for this project include:

- **Public Hearing (November 2, 2023).** The public hearing is anticipated to be scheduled for November 2, 2023. Should the timeline change, staff will circulate a revised notice of public hearing. Information about how to submit comments and participate in the public hearing is included with the Commission agenda on BCDC's website (www.bcdc.ca.gov).
- **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/Winter 2023).** The new *Seaport Plan* will be presented to the Commission for a vote to adopt.
- Following Commission approval, BPA 1-19 will be submitted to the CA Office of Administrative Law and the National Oceanic and Atmospheric Administration (NOAA) for incorporation into the State California Coastal Management Program.

Appendix A: 2012 Seaport Plan Policies with Tracked Changes

The following tables provide tracked changes of the 2012 Plan policies to describe how the existing policies are proposed to be retained, revised, or deleted. The tables are divided according to the topic areas of the 2012 Plan. New text is in underline and deleted text is in ~~strickethrough~~. This appendix will be helpful to readers who are familiar with the 2012 Plan and who want to know what is happening to the existing policies.

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

2012 Policy Section	Policy Number	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	<u>The Commission and SPAC, in coordination with the Bay Area seaports, Seaport Planning Advisory Committee should monitor the region’s maritime cargo volumes, marine terminal use, and ship calls as needed, as well as emerging trends that could impact the region’s cargo capacity (for example, infrastructure for zero-emissions truck charging or offshore wind development).</u> on an ongoing basis. <u>The data collected should be assessed by the SPAC and the Commission to ensure that</u>	Revise	Updated to generalize this policy and set standards for updating the cargo forecast.

		<p>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 to Bay Area has adequate areas reserved to accommodate future port and marine terminal development. <u>The Commission may require comprehensive updates to the forecast if cargo growth significantly deviates 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.</u> No further changes in use or deletions of port priority use areas should be considered until the cargo monitoring process has been implemented.</p>		
<p>Cargo Forecast</p>	<p>4</p>	<p><u>Requests for a Bay Plan Amendment to add or remove Port Priority Use Areas may be requested as provided in the McAteer-Petris Act (Government Code 66652) and the Public Resource Code 14 CCR 11000, and should be evaluated by the SPAC, which may make an advisory recommendation to the Commission. A request 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, the feasibility of using the site for maritime purposes in the future, and whether removal of the Port Priority Use Area would increase pressure to fill the Bay for Port use.</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>Revise</p>	<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</p>

		<p>c. <u>Include meaningful community engagement and an assessment of consistency with Bay Plan Environmental Justice and Social Equity Policy 4.</u></p> <p>d. <u>Include consultation with the relevant port or property owners.</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>		<p>Port Priority Use Areas, which still relates to the region's ability to meet the Cargo Forecast.</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 Section	Policy Number	2012 Text	Status	Comments
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>Consistent with Bay Plan Public Access policies, public access uses should be permissible in Port Priority Use Areas provided the use does not significantly impair the efficient utilization of the port area. When public access or in-lieu access is required, 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 <u>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 interfere with ongoing or future port-related uses, and navigational and passenger safety can be assured.	Revise	Language clarification.

Port Priority Use Areas	4	<p><u>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.</u> 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 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, 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.</u></p>	Revise	Language clarification to point to BCDC permitting process.
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</p>	Revise	Redundant of McAteer-Petris Act and Bay Plan requirements.

		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; 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	<p><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>. Bay fill should not be approved unless the project proponent can demonstrate to the satisfaction of the Commission that:</u></p> <ul style="list-style-type: none"> a. <u>All available existing berths and terminals capable of handling the type of cargo in question have or will shortly reach 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; and</u> d. <u>The development is consistent with the requirements of the McAteer-Petris Act and the <i>Bay Plan</i>.</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>	Revise	Clarifying and strengthening the requirements for fill for new marine terminals (brand new sites, not existing marine terminal sites that are being redeveloped).
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	Unnecessary- not retaining cargo throughput capability requirements in the <i>Draft Plan</i> .
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	Unnecessary- not retaining cargo throughput capability requirements in the <i>Draft Plan</i> .

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 Section	Policy Number	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 Section		Policy Number	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	No change	

			significant adverse environmental effects of increased traffic at existing and proposed marine terminal facilities.	
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 Section	Policy Number	2012 Text	Status	Comments
Benicia	1	By the year 2020, the Port of Benicia should have the facilities and annual cargo throughput capabilities shown in Table 9.	Delete	Staff propose deleting all port-specific policies.

Benicia	2	The Port is designated as an active, 3-berth marine terminal. Figure 3 depicts the Benicia port priority use area.	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 berth if and when the U.S.G.S. should leave the site.	Delete
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

Appendix B: Revisions to Bay Plan Maps

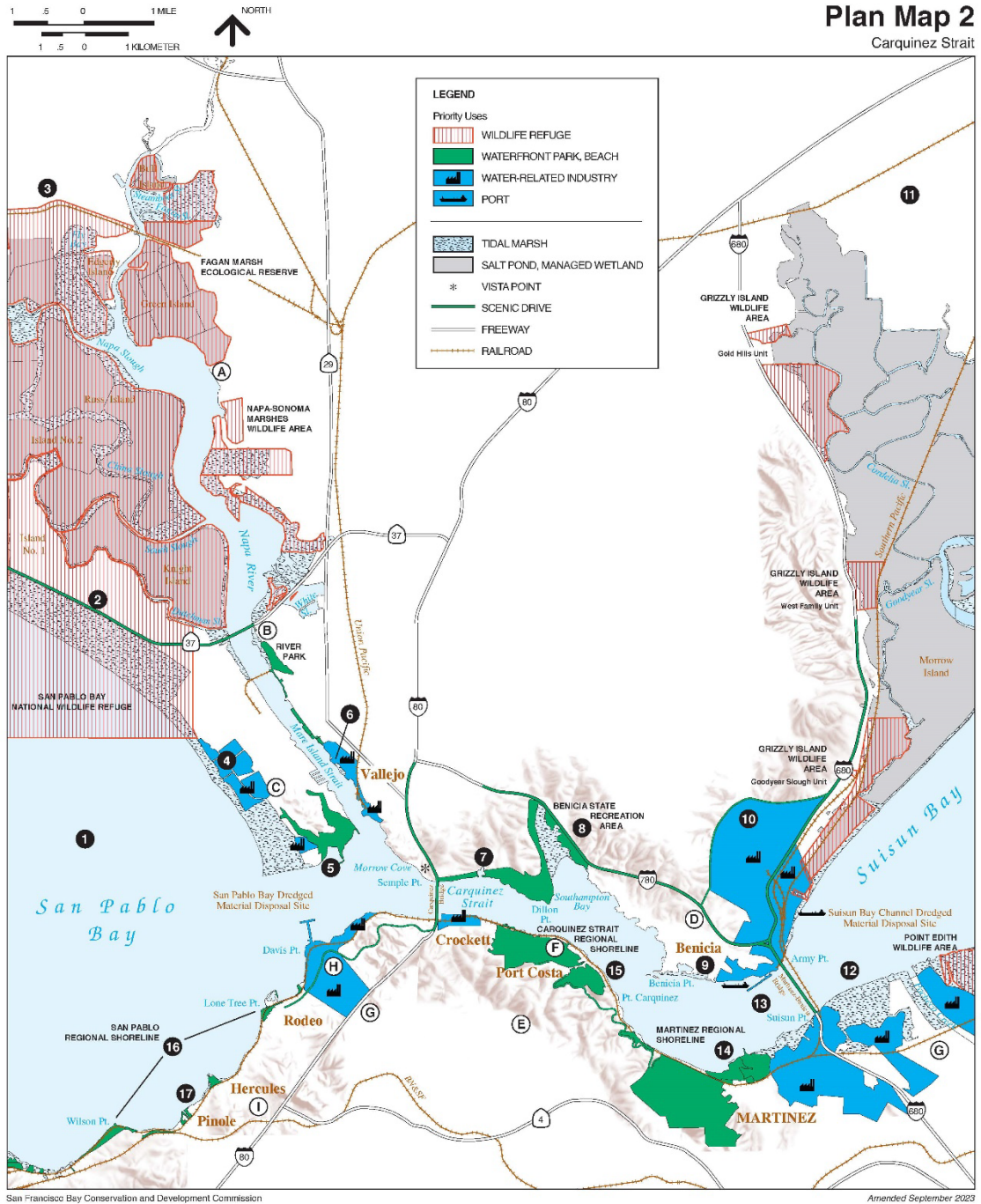
Plan Map 2

Bay Plan Policies and Commission Suggestions

BAY PLAN POLICIES

- 1 **San Pablo Bay** - Tidal marshes and extensive tidal flats are valuable wildlife habitat. Protect wildlife values.
- 2 **Route 37** - Evaluate design options if and when travel demand warrants. Provide public access in a manner protective of sensitive wildlife. Provide opportunities for wildlife compatible activities, such as wildlife observation and fishing.
- 3 **Regional Restoration Goal for San Pablo Bay** - Restore large areas of tidal marsh and enhance seasonal wetlands. Some of the inactive salt ponds should be managed to maximize their habitat functions for shorebirds and waterfowl, and others should be restored to tidal marsh. Shallow subtidal areas (including eelgrass beds) should be conserved or restored. See the Baylands Ecosystem Habitat Goals report for more information.
- 4 **Mare Island Naval Shipyard** - The Mare Island dredged material disposal ponds, which are located in historic baylands, should be retained in water-related industry priority use for dredged material disposal and used as a regional disposal and rehandling area for dredged material except the three northernmost ponds. The three northernmost ponds could be used to provide wetland habitat for the salt marsh harvest mouse in order to mitigate any potential adverse impacts resulting from the future use of the other seven ponds for dredged material disposal and rehandling. Restoration of the three northernmost ponds, if necessary for mitigation, should be managed by the U.S. Fish and Wildlife Service as part of the San Pablo Bay National Wildlife Refuge and the Service's program for environmental education.
- 5 **Mare Island** - Create waterfront park at south shore of Mare Island consistent with local base reuse plan and Chapter 588 of the Statutes of 2004.
- 6 **Vallejo Water-Related Industrial Area** - Some fill may be needed.
- 7 **Carquinez Strait - Vallejo Shoreline** - Continuous public access should be provided along the bluff top and where feasible the shoreline of Carquinez Strait and views of the water from shoreline vista points should be preserved.
- 8 **Benicia State Recreation Area** - No commercial uses except for convenience needs of park visitors. Develop multi-use trail along shoreline between Vallejo and Benicia. Provide non-motorized small boat launching facilities. Protect wetland habitats.
- 9 **Benicia Waterfront Special Area Plan** - See special area plan for detailed planning guidelines for the shoreline between West Second Street and the Benicia-Martinez Bridge. Preserve existing non-motorized small boat launches on City waterfront.
- 10 **Benicia Industrial Park** - Reserve area east of old Route 21 for waterfront industry. Preserve and provide access to vista points and historic buildings.
- 11 **Regional Restoration Goal for Suisun Bay** - Restore tidal marsh on the northern and southern sides of Suisun Bay, Grizzly Bay and Honker Bay; enhance managed marshes to increase their ability to support waterfowl. See the Baylands Ecosystem Habitat Goals report for more information.
- 12 Pipelines and piers may be built over marshes.
- 13 **Port of Benicia** - See Seaport Plan.
- 14 **Martinez Regional Shoreline and Martinez Waterfront Park** - Preserve mix of recreational uses for picnicking, wildlife viewing, wildlife habitat management and hiking in regional park and community facilities, including team sports in City park. Possible ferry terminal. Allow if compatible with park and marina use; serve with bus public transit to reduce traffic and parking needs. Complete Bay Trail and provide non-motorized small boat landing and launching.
- 15 **Carquinez Strait Regional Shoreline** - Preserve Eckley Fishing Pier, and panoramic views of Carquinez Strait from hiking trails, preserve and interpret cultural history of the site. Expand park where feasible. Complete Bay and Ridge Trails, maintain safe access across railroad tracks. Provide non-motorized small boat landing and launching. Provide signage regarding fish consumption advisories for anglers.
- 16 **San Pablo Bay Regional Shoreline Park, Lone Tree Point to Wilson Point** - Provide continuous shoreline access linking parks with safe pedestrian railroad crossings. Expand parks where feasible. Integrate with local parks in Hercules and Pinole. Protect wetland habitats and interpret historical and cultural resources. Link local and regional shoreline parks to Point Pinole Regional Shoreline Park. Complete Bay Trail and incorporate non-motorized small boat launching.
- 17 **Hercules Point Park and Pinole Bayfront Park** - Integrate with San Pablo Bay Regional Shoreline Park to provide continuous shoreline access. Provide safe pedestrian railroad crossings. Expand parks where feasible. Protect adjacent wetlands. Provide non-motorized small boat landing and launching. Possible ferry terminal near Hercules Point.

Amended September 2023



Plan Map 3

Bay Plan Policies and Commission Suggestions

BAY PLAN POLICIES

- 1 **Montezuma and Suisun Sloughs** - May be dredged for small boat uses.
- 2 **Regional Restoration Goal for Suisun Bay** - Restore tidal marsh on the northern and southern sides of Suisun Bay, Grizzly Bay and Honker Bay; enhance managed marshes to increase their ability to support waterfowl. See the Baylands Ecosystem Habitat Goals report for more information.
- 3 **Suisun City** - Preserve boat launch ramp, transient tie-up and small boat launch.
- 4 **Rush Ranch Open Space Preserve, San Francisco Bay National Estuarine Research Reserve** - Continue federal-state cooperative scientific research and education program that is part of a national system of estuarine research reserves. Provide wildlife compatible recreation opportunities, including natural, historical and cultural interpretation and education, hiking, wildlife viewing, and picnicking.
- 5 **Beldon's Landing** - Preserve boat launch and park, including access for non-motorized small boats. Provide signage regarding fish consumption advisories for anglers.
- 6 **Collinsville** - Industries should share limited deep water frontage. Wetland restoration or enhancement of diked wetland areas may occur provided that the restoration or enhancement project: (1) is carried out in a manner that will not preclude use of the deep water frontage and upland portion of the site for water-related industry use; (2) will not result in any adverse environmental impacts on the Suisun Marsh; (3) provides for the protection of adjacent property from flooding that could be caused by the project; and (4) includes a long-range management program that assures the proper stewardship of the wetland. Wetland restoration and enhancement projects may be carried out using dredged material from the Bay region. Wetland restoration and enhancement projects should be designed so as not to restrict development and operation of marine terminals on the deep water shoreline nor impede the movement of waterborne cargo, materials and products from the shoreline terminal to the upland portion of the site. A portion of the site may be used as a regional dredged material rehandling facility for Bay Area projects.
- 7 **Bay Point Wetlands** - Restore tidal wetlands and provide opportunities for shoreline trail access, wildlife observation, and non-motorized small boat access.
- 8 **Concord Naval Weapons Station** - When no longer owned or controlled by the federal government, give first consideration to water-related industrial use. Industrial use should be restricted so that they do not adversely affect marshes. If not needed for water-related industry use, consider waterfront park use.

COMMISSION SUGGESTIONS

Amended September 2023

