

Draft

BCDC SEAPORT PLAN UPDATE

Environmental Assessment

Prepared for
San Francisco Bay Conservation and
Development Commission

September 2023



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Prepared Pursuant to the Requirements
for Certified CEQA Programs
CEQA Guidelines Section 15251(h)

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- A. Draft Seaport Plan Update, June 2023
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Acronyms and Other Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ASARCO	American Smelting and Refining Company
Basin Plan	Regional Water Quality Control Board Water Quality Control Plan for the San Francisco Bay Basin
Bay	San Francisco Bay
Bay Area	San Francisco Bay Area
Bay Plan	San Francisco Bay Plan
BCDC	San Francisco Bay Conservation and Development Commission
BPA	Bay Plan Amendment
Cargo Forecast	2019-2050 Bay Area Seaport Forecast
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
EA	environmental assessment
EIR	environmental impact report
I-80	Interstate 80
I-880	Interstate 880
MOTCO	Military Ocean Terminal Concord
MTC	Metropolitan Transportation Commission
project, proposed project	proposed update to the San Francisco Bay Area Seaport Plan through Bay Plan Amendment No. 1-19
PUA	Priority Use Area
Ro-Ro	Roll-on/Roll-off cargo
RTP	regional transportation plan
RWQCB	Regional Water Quality Control Board
SCS	sustainable communities strategy
Seaport Plan	San Francisco Bay Area Seaport Plan
SPAC	Seaport Planning Advisory Committee
Waterfront Plan	Port of San Francisco Waterfront Plan

EXECUTIVE SUMMARY

The purpose of this document is to describe the potential environmental consequences of a proposed update to the *San Francisco Bay Area Seaport Plan* (*Seaport Plan* or *Plan*) through Bay Plan Amendment (BPA) 1-19. If approved, this comprehensive *Seaport Plan* update (referred to herein as the “project” or “proposed project”) would amend the *Seaport Plan*’s general findings and policies and update port Priority Use Area (PUA) map designations for four of the five San Francisco Bay Area (Bay Area) seaports subject to the *Seaport Plan*.

The *Seaport Plan* is part of the *San Francisco Bay Plan* (BCDC 2020a) and is used by the San Francisco Bay Conservation and Development Commission (BCDC) to help guide its regulatory decisions on permit applications, federal consistency review under its Coastal Zone Management Act authority, and related matters. A key driver for the *Plan* update was the expiration of the former *Cargo Forecast* and the Seaport Planning Advisory Committee’s (SPAC) approval of the new *2019–2050 Bay Area Seaport Forecast* (*Cargo Forecast*) in 2020.

The *Plan* update would re-envision the *Seaport Plan* primarily as a guiding, rather than prescriptive, policy document. The update would also reflect changes in SPAC governance structure, streamline and clarify requirements, and ensure consistency with current-day *Bay Plan* policies, some of which are duplicated or repeated in the current *Seaport Plan*. The *Seaport Plan* update would also revise the current Port PUA map designations for four ports around the Bay Area.

The proposed *Plan* update consists of amending the *Seaport Plan* and is not itself a development project. A change in the Port PUA designations proposed as part of this update would not have a direct environmental effect on any site where such PUA designation currently exists or the surrounding environment; any such impact would be indirect (in relation to the PUA changes) and would result from some future proposed activity (*i.e.*, a fill proposal or proposed development) subsequent to the PUA designation change that, for purposes of the PUA changes, are not reasonably foreseeable but rather speculative. No evidence exists before BCDC of any such fill or development proposal in association with the current *Seaport Plan* update, including the proposed changes to Port PUA designations. As a result, no direct or reasonably foreseeable indirect environmental impacts would occur because of the project.

Because this environmental assessment (EA) concludes that the proposed project would not result in any substantial adverse environmental impacts, the EA considers two alternatives: no project (or no change) and the proposed project. The proposed project meets all the project objectives and would not cause a significant environmental impact.

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CHAPTER 1

Introduction

This environmental assessment (EA) has been prepared for the San Francisco Bay Conservation and Development Commission (BCDC) in accordance with sections 11003(b)(6) and 11521 of BCDC’s regulations, codified at Title 14 of the California Code of Regulations sections 11003(b)(6) and 11521.

1.1 Summary of the Proposed *Seaport Plan* Update

BPA 1-19 is an update of the entire *San Francisco Bay Area Seaport Plan* (*Seaport Plan* or *Plan*). One of the primary purposes of the *Seaport Plan* is to ensure that the Bay Area maintains sufficient capacity to accommodate regional growth in waterborne cargo into the future to minimize San Francisco Bay (Bay) fill. Capacity has been estimated via the *2019–2050 Bay Area Seaport Forecast* (*Cargo Forecast*), which was developed to project the growth of major cargo types and provide a high-level review of marine terminal capacity and expansion potential to the year 2050. The *Cargo Forecast* was developed by an independent consultant with the SPAC, individual ports, and the public providing feedback over the course of several public meetings. Evaluation of the draft *Cargo Forecast* also included a blind peer-review process and interviews with terminal operators. Following multiple rounds of review, the SPAC voted to recommend Commission approval of the *Cargo Forecast* at its May 2020 meeting.

Part I of the proposed *Seaport Plan* update revises the Plan’s policies to reflect changes to the composition of the SPAC, streamline and clarify requirements, and ensure consistency with current *San Francisco Bay Plan* (*Bay Plan*) policies. Part II of the proposed *Seaport Plan* update simplifies the designation of Port Priority Use Areas (PUAs) to make the Plan more flexible and responsive to changing conditions.

The existing *Seaport Plan* requires each port to have the capacity to handle specific cargo volumes at dedicated terminals. The existing Plan also contains port-specific policies related to capital projects and other anticipated developments. However, BCDC determined that the current approach of requiring specific volume capacities for different cargo types at individual terminals was overly prescriptive and did not allow the ports to respond quickly to changes in shipping demands. Further, several ports have previously designated PUAs that have been historically underused and unlikely to ever be used for Port purposes because of historic building protections, changes in shipping trends, and other logistical or operational challenges.

The proposed *Seaport Plan* update does not assign forecasted cargo volumes to each Port PUA. Instead, the proposed Plan includes two tables listing the Bay Area’s existing marine terminals

and the types of cargo that each marine terminal may be able to handle with future expansion. This approach would continue to distinguish marine terminals within the Port PUA framework because marine terminals are an immediate water-dependent use that is critical for waterborne cargo movement.

A key driver for the Plan update was the expiration of the former *Cargo Forecast* and the Seaport Planning Advisory Committee's (SPAC's) approval of the new *2019–2050 Bay Area Seaport Cargo Forecast* (Appendix C) in 2020. For a more detailed discussion of the *Seaport Plan* update and the *Cargo Forecast*, see Chapter 2, *Project Description*, and Appendix A, *Draft San Francisco Bay Area Seaport Plan*.

1.2 Requested Actions of BCDC

BCDC staff has drafted BPA 1-19 amending the *Seaport Plan* to reflect the current Cargo Forecast; Bay Plan policy updates; proposed Port PUA designation revisions for the Ports of Oakland, Richmond, Redwood City, and San Francisco; and removal of the Port PUA designation for Selby and Concord. There is no particular fill or development proposal associated with BPA No. 1-19, including the proposed Port PUA designation changes. If BPA No. 1-19 is approved, any changes to the *Seaport Plan* must be based on findings that the changes are consistent with the findings and declarations of policy of the McAteer-Petris Act.

1.3 Scope and Structure of this Environmental Assessment

The California Environmental Quality Act (CEQA), codified at Public Resources Code section 21000 *et seq.*, requires that, before BCDC considers and acts on the proposed *Seaport Plan* update, the environmental effects of the update must be fully evaluated, documented, and disclosed. BCDC's permitting and planning programs under the McAteer-Petris Act (the latter of which BPA No. 1-19 falls under) are certified regulatory programs under CEQA. (Pub. Res. Code Section 21080.5(a); 14 CCR Section 15251(h).) State regulations (14 CCR Sections 11500–11561) govern BCDC's implementation of CEQA and includes two subchapters: one for when BCDC is the lead agency, and one for when BCDC is a responsible agency.

Under CEQA Guidelines Section 15367, codified at Title 14 of the California Code of Regulations, the *lead agency* is the public agency that has the principal responsibility for carrying out or approving a project, and that will decide what type of environmental document will be required for the project and will cause the document to be prepared. Under CEQA Guidelines Section 15381, a *responsible agency* is a public agency that proposes to carry out or approve a project for which a lead agency is preparing or has prepared a CEQA document. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency that have discretionary approval power over a project. In the permitting context, BCDC typically acts as a responsible agency because the local agency that has general jurisdiction over a proposed project is required to conduct its CEQA review and grant its local discretionary approvals before BCDC acts on a permit application. (Reference CEQA Guidelines Section

15051(b)(1); Gov. Code Section 66632(b).) The local jurisdiction is usually the lead agency and prepares the CEQA environmental document, and BCDC relies on that local agency's CEQA document for its subsequent jurisdictional decisions as a responsible agency.

However, BCDC serves as lead agency when considering proposed amendments to its own *Bay Plan* and/or *Seaport Plan*, its policies, or any of the special area plans adopted by BCDC. BCDC is serving as lead agency in consideration of its proposed amendment to the *Seaport Plan*. BCDC's regulations for implementation of CEQA are found in 14 CCR Sections 11500–11561, as well as Section 11003(b)(6), applicable to staff planning reports. Pursuant to BCDC's certified regulatory program for its planning program under the McAteer-Petris Act, these regulations provide for preparation of a substitute document, in lieu of and that is functionally equivalent to typical CEQA documentation such as an environmental impact report (EIR) or a negative declaration, when BCDC serves as the lead agency. Specifically, when the BCDC Executive Director determines that a proposed activity is not statutorily or categorically exempt from CEQA and may have a significant adverse effect on the environment, the regulations provide that BCDC shall prepare an environmental assessment, or EA, and include it in the staff planning report. (14 CCR Section 11511(c).)

As lead agency for amendments to the *Seaport Plan*, BCDC has prepared this EA in compliance with its regulations for the implementation of CEQA, including (as required under 14 CCR Section 11521), the following items:

- A brief description of the proposed activity.
- All substantial, adverse environmental impacts that the proposed activity may cause.
- All irreversible environmental impacts that the proposed activity may cause.
- Any feasible mitigation measures that would reduce such substantial adverse environmental impacts.
- Any feasible alternatives that would reduce such substantial adverse environmental impacts.
- Such other information that the Executive Director believes appropriate.

1.3.1 Environmental Assessment Overview

In compliance with the regulations for BCDC's certified State regulatory program substitute document, this EA represents BCDC's independent CEQA review related to the proposed amendments to the *Seaport Plan* as proposed by BCDC. This document includes the following chapters:

- **Chapter 2, *Project Description***, describes the proposed amendments to the *Seaport Plan*, including the removal and addition of Port PUA designations.
- **Chapter 3, *Environmental Assessment of the Seaport Plan Update***, identifies all substantial, adverse environmental impacts that may result directly or indirectly from the proposed amendment to the *Seaport Plan*.

- **Chapter 4, *Consideration and Discussion of Other Environmental Impacts***, contains an analysis of other environmental factors potentially affected by the project including topics outlined in Appendix G of the CEQA Guidelines, and potential significant irreversible and growth-inducing impacts.
- **Chapter 5, *Alternatives***, briefly describes the outcome that might be anticipated if the *Seaport Plan* update is not approved.
- **Chapter 6, *References***, lists all references used in the preparation of this EA. Copies of referenced documents are available online or by request from BCDC.

CHAPTER 2

Project Description

2.1 Summary of Current Seaport Plan Policies and Seaport Plan Designations

This section summarizes the proposed changes to the *Seaport Plan* policies and designations. For a complete description of the changes, see Appendix A.

2.1.1 Part I: Policy Changes

Part I of the *Seaport Plan* contains General Policies. Policy topic areas include the Cargo Forecast, Port PUAs, Marine Terminals, Container Terminals, Bulk Terminals, Dredging and Navigation, and Ground Transportation. Some of these topic areas are retained in the update, but others have become outdated or redundant because of other planning efforts. Several policy sections have been added. The following describes new policy sections in underline, and deleted sections in ~~strikethrough~~:

Part I: General Policies

- The Seaport Planning Advisory Committee (SPAC)
- The Cargo Forecast
- Preserving and Enhancing Port Priority Use Areas
- Climate Change
- Environmental Justice and Social Equity
- Regional Coordination and Future Seaport Plan Updates
- ~~Marine Terminals~~
- ~~Container Terminals~~
- ~~Bulk Terminals~~
- ~~Dredging and Navigation~~
- ~~Ground Transportation~~

The *Seaport Plan* update contains a new policy section on the Seaport Planning Advisory Committee (SPAC) that outlines basics such as the purpose of the SPAC, the composition of its members, and the way in which it should carry out its responsibilities. The ‘Cargo Forecast’ and ‘Port Priority Use Area’ sections have been retained and incorporate the 2019–2050 Cargo Forecast (Tioga 2020) approved by the SPAC in 2020.

Policies have been deleted or revised as appropriate to maintain consistency with current Bay Plan policies and reflect a shift in focus from project and cargo-specific policies to policies focused on process. For example, the policy to add or remove Port PUAs has been revised to

clarify the application process and required information, but the actual policy requirements would not change. The ‘Marine Terminals’, ‘Container Terminals’, and ‘Bulk Terminals’ sections have been deleted to simplify the *Seaport Plan*, but relevant policies have been revised and carried into the Preserving and Enhancing Port Priority Use Areas section. The ‘Dredging and Navigation’ section has also been deleted, along with the ‘Ground Transportation’ section (which addressed MTC policies), although two Ground Transportation policies have been carried over into a new section on Regional Coordination and Future *Seaport Plan* Updates.

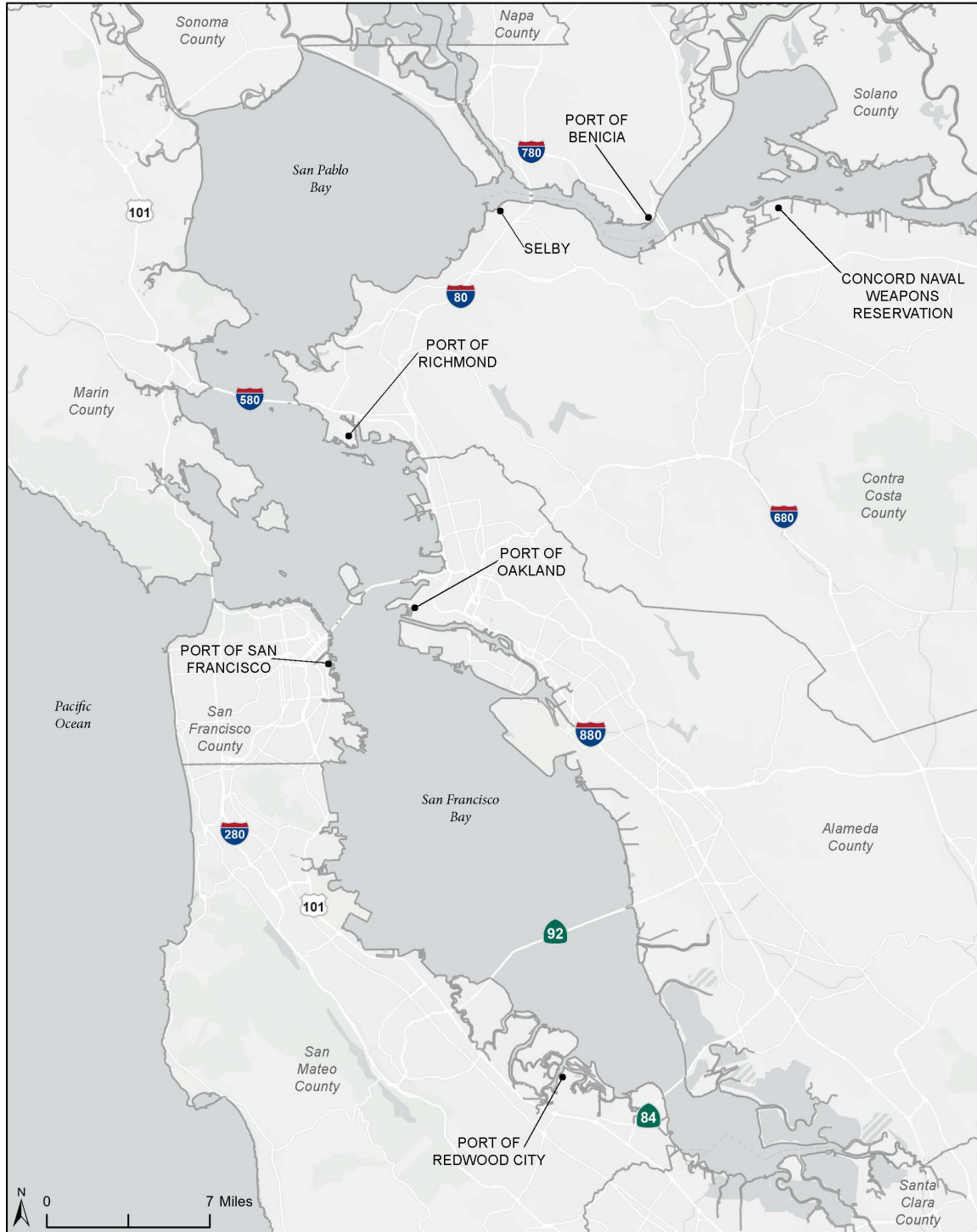
Two new sections, ‘Climate Change and ‘Environmental Justice and Social Equity,’ were added; however, policies in both sections are mainly procedural. For example, they describe the type of environmental justice outreach or sea level rise analysis that a port must undertake when submitting a permit to BCDC for a specific project. The justification for adding these sections is grounded in BCDC’s existing Bay Plan policies regarding these topics. These two sections also reference other BCDC initiatives like Bay Adapt, which is the driving force for sea level rise planning, rather than the *Seaport Plan*.

2.1.2 Part II: Port Priority Use Designation Changes

Ports require a flat, expansive waterfront location on navigable, deep-water channels with excellent ground transportation access and services. Such sites around San Francisco Bay are limited and are a regional economic resource that should be protected and reserved as Port PUAs when needed as informed by the *Cargo Forecast*. The purpose of the *Port PUAs* are described in Findings 1 and 2 of the existing *Seaport Plan*. **Figure 1** depicts the ports and Port PUAs around the Bay.

As discussed in Chapter 1, Part II of the proposed *Seaport Plan* update simplifies the designation of Port PUAs to make the Plan more flexible and responsive to changing conditions. As part of the process to update Part II of the *Seaport Plan*, several ports submitted requests to add, remove, or modify Port PUA designations. Most requests were for minor changes that better reflect existing cargo shipping needs and for the foreseeable future. **Figure 1** provides an overview of existing Bay Area port PUAs. **Figure 2** through **Figure 5** provides maps of the ports with the proposed PUA changes in effect.

Table 1 summarizes the proposed changes to the Port PUA designations and the total change in PUA acreage that would occur with the *Seaport Plan* update.



SOURCE: BCDC 2023a (see Appendix A)

Figure 1
San Francisco Bay Area Port Priority Use Areas

**TABLE 1
PROPOSED PORT PRIORITY USE DESIGNATION CHANGES**

Port Proposed PUA Change	Current Total Port PUA (acres) ^a	Proposed Total Port PUA (acres)	Proposed Net Total Change (acres)
Oakland (see Figure 2)			
Remove PUA site currently developed with warehouses. (-15.53 acres)	1,571.83	1,573	+1.17
Add PUA area already intended by the City to be used for multi-use			
Redwood City (see Figure 3)			
Potential future expansion of Wharf 5, which location may be suitable for a general cargo omni-terminal (+1.32 acres)	95.24	96.56	+1.32
Richmond (see Figure 4)			
Remove ferry terminal parking lot, south of Terminal 3. This area was designated for container cargo or break-bulk cargo in the 1990s but is no longer a feasible site for cargo handling. (-5.20 acres)	437.84	428.77	-9.07
Remove two historic buildings from PUA. (-1.03 acres)			
Remove historic graving docks from PUA designation, as they are part of the National Rosie the Riveter WWII Home Front National Historical Park. (-2.84 acres)			
San Francisco (see Figure 5)			
Remove Pier 48, Seawall Lot 337, and a portion of Pier 50. Pier 48 and Seawall Lot 337 were directed to be removed from the PUA designation by AB 2797, as the pier is a contributor to the Embarcadero Historic District. At Pier 50, the PUA will be reduced to 14 acres and the cargo terminal designation will be removed, as it is no longer viable for break bulk cargo. (-25.58 acres)	268.92	223.20	-45.72
Remove the area of the former Pier 70, a 2-acre parking lot associated with a vacant building that is not in the PUA, and 10 historic buildings that are contributors to the Union Iron Works Historic District. (-5.75 acres)			
Remove three PUA sites (Piers 80–96) because of the presence of emergent wetland at Pier 94B, and remove two sites upland of Amador Street because their higher elevation renders them infeasible to support the existing bulk cargo terminals. (-25 acres)			
Add between Pier 92 and Pier 94, which are currently used for dry bulk operations. (+10.61 acres)			
Selby			
Remove entire PUA at request of local community members and uncertainties surrounding the site mitigation and cleanup plan. ^b This PUA was never developed for Port uses.	76	0	-76
Concord Naval Weapons Reservation			
Remove entire PUA as its viability for port and industrial use is uncertain and the site is in active military use. This PUA was never developed for Port uses.	1,500	0	-1,500
Total PUA acreage change^c	2,373	2,321.53	-51.47

NOTES: AB = Assembly Bill; PUA = Priority Use Area

a This table does not include the Port of Benicia, which does not propose any changes to its PUA acreage.

b The 2021 Alternatives Analysis (Appendix B) notes the removal of the Selby PUA but does not include it in the tally of net PUA change. This table does include it for the purposes of transparency. Setting aside the Selby PUA, there is a net loss of 70.12 acres of port PUA.

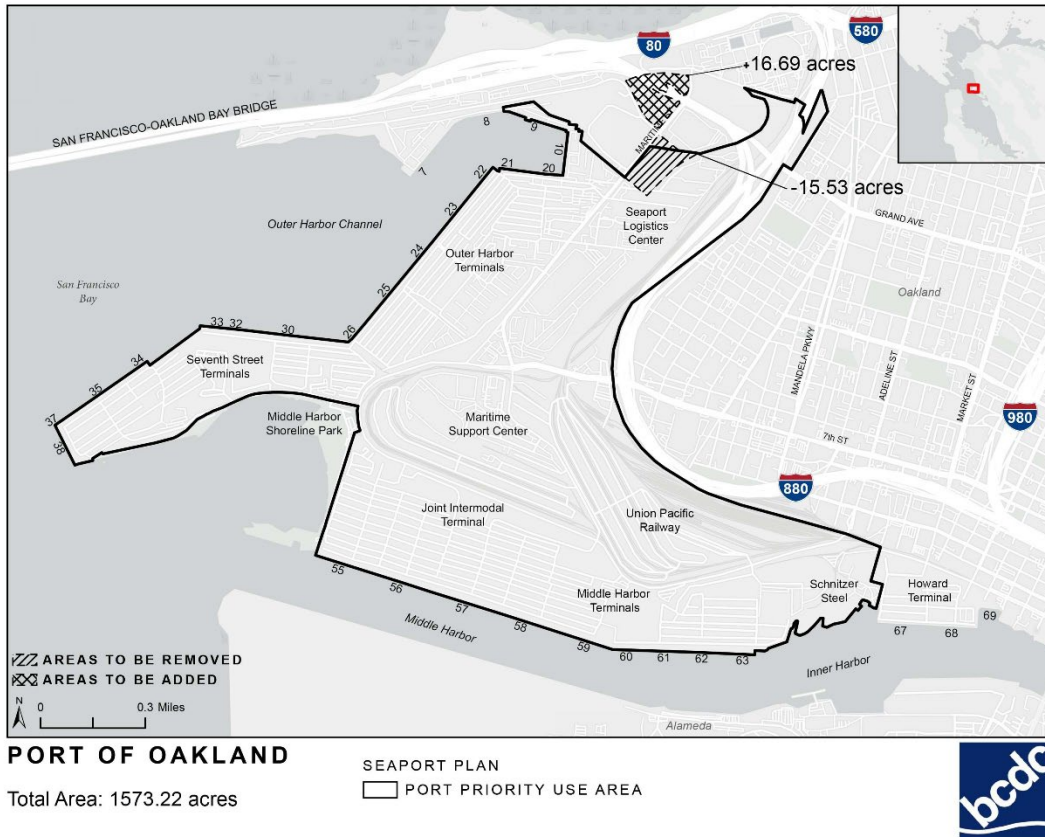
c This number excludes the reserve areas of Selby and the Concord Naval Weapons Reservation, which have never been developed for Port uses.

SOURCE: BCDC 2023a (see Appendix A).

Port of Oakland

The Oakland Port PUA encompasses the Port of Oakland as well as a private terminal within Oakland Harbor currently owned and operated by Schnitzer Steel. The *Seaport Plan* update would remove an approximately 15-acre property from the Port PUA designation and replace it with an approximately 16.7-acre site consisting of the Baldwin Yard property (see **Figure 2**). The general intent of this PUA swap is to offset the removal of 15 acres of Port PUA designation on Maritime Street by protecting the 16.7-acre Baldwin Yard property for port-consistent uses. The City of Oakland is redeveloping the Baldwin Yard property for truck parking and a truck services facility supporting maritime services – though this redevelopment effort is independent of whether the Port PUA designation is placed at the site or not and has been in process for many years prior to BPA No.1-19. Therefore, the proposed redevelopment and any subsequent use of the Baldwin Yard property is not a consequence of the proposed Port PUA designation.

The proposed PUA site is located at the corner of West Grand Avenue and Maritime Street. The proposed PUA site is visible from Interstate 80 (I-80), Interstate 880 (I-880), and West Grand Avenue and fronts three public streets: Maritime Street, Burma Road, and Wake Avenue. Although the proposed PUA site can be accessed from West Oakland, it is separated from the neighborhood by I-880, Union Pacific rail lines, and the older port warehouses and new Prologis warehouse. The proposed PUA site has easier access and commercial prospects than the site for which the Port PUA designation would be removed, or any other location in the Oakland port area.



SOURCE: BCDC 2023a (see Appendix A)

Figure 2
Port of Oakland Priority Use Areas

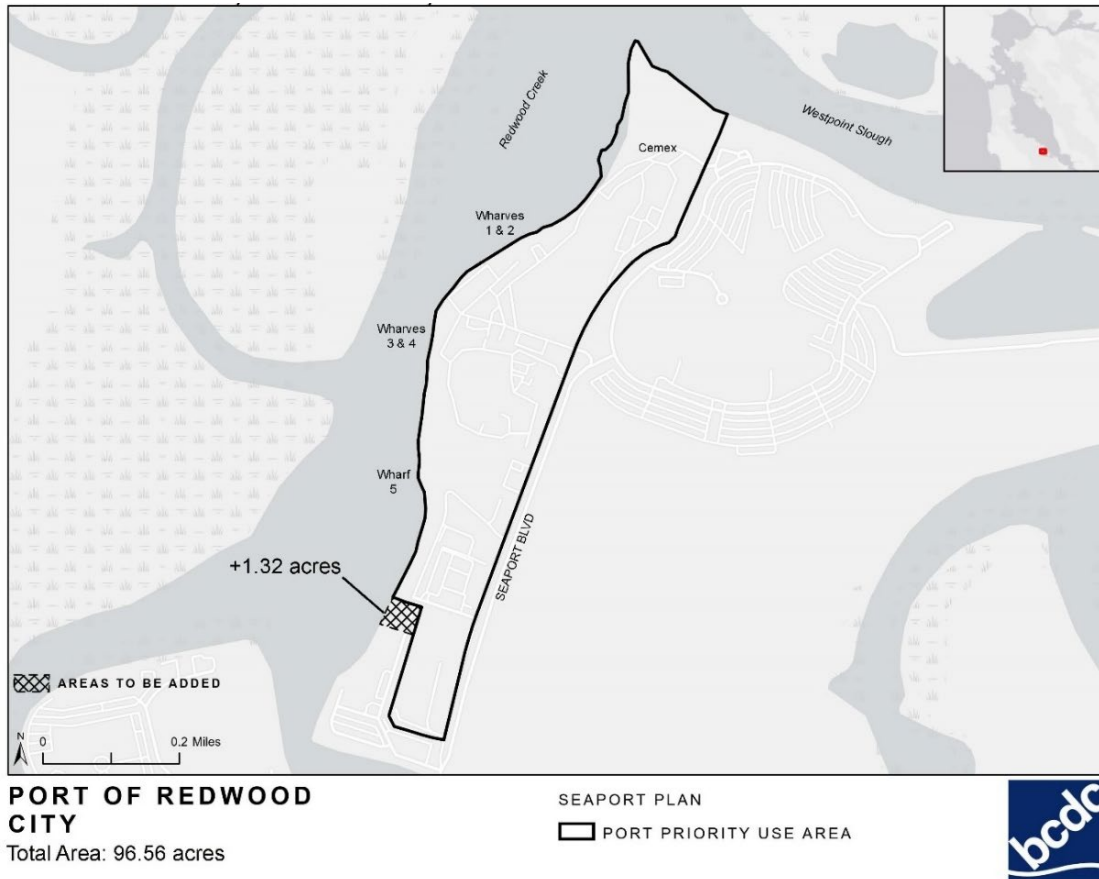
Port of Redwood City

The Port of Redwood City is the only deep-water port in South San Francisco Bay, consisting of four berths along the Redwood Creek Channel. The port accommodates dry bulk, liquid bulk, and other cargoes. In 2020, the Port of Redwood City completed its 2020 Vision Plan to set planning goals for land use development and investments at the port (Port of Redwood City 2020). The proposed addition of 1.32 acres of Port PUA aligns with the Vision Plan’s goal of developing a general cargo omni-terminal that could handle a combination of neo-bulk or roll on/roll off (Ro-Ro¹) cargo, as well as break-bulk² cargo (see **Figure 3**) by protecting this area for a use that is consistent with port uses. Based on information provided by the Port, the development of a potential future omni-terminal would be market-driven and there is no specific timeline yet

¹ “Neo-bulk” and “Ro-Ro” shipping are nomenclatures used in the Seaport Plan and 2019–2050 Cargo Forecast. *Neo-bulk shipping* describes cargo that is neither containerized nor bulk but does not require the traditional piece-by-piece handling of break-bulk cargo. *Ro-Ro cargo* refers to the shipment of automobiles and other vehicles and has come to dominate neo-bulk shipping. Ro-Ro is the only active “neo-bulk” category in Bay Area ports.

² Some Bay Area port terminals previously handled break-bulk or project cargo (i.e., windmill parts). No ports handle break-bulk cargo currently and there is no specific projection for future demand, but a need could arise in the future (Tioga 2020).

associated with this vision so for purposes of BPA 1-19 the potential future omni-terminal is neither reasonably foreseeable (rather, it is speculative) nor a consequence of this PUA change.



SOURCE: BCDC 2023a (see Appendix A)

Figure 3
Redwood City Port Priority Use Area

Port of Richmond

The Richmond Port PUA encompasses the Port of Richmond, which has five City of Richmond–owned terminals and 10 privately owned terminals for handling bulk liquids, dry bulk³ materials, metals, vehicles, and break-bulk cargos, as well as the Levin Richmond Terminal, a private multipurpose port facility that currently handles export coal and petroleum coke, as well as scrap-metal exports.

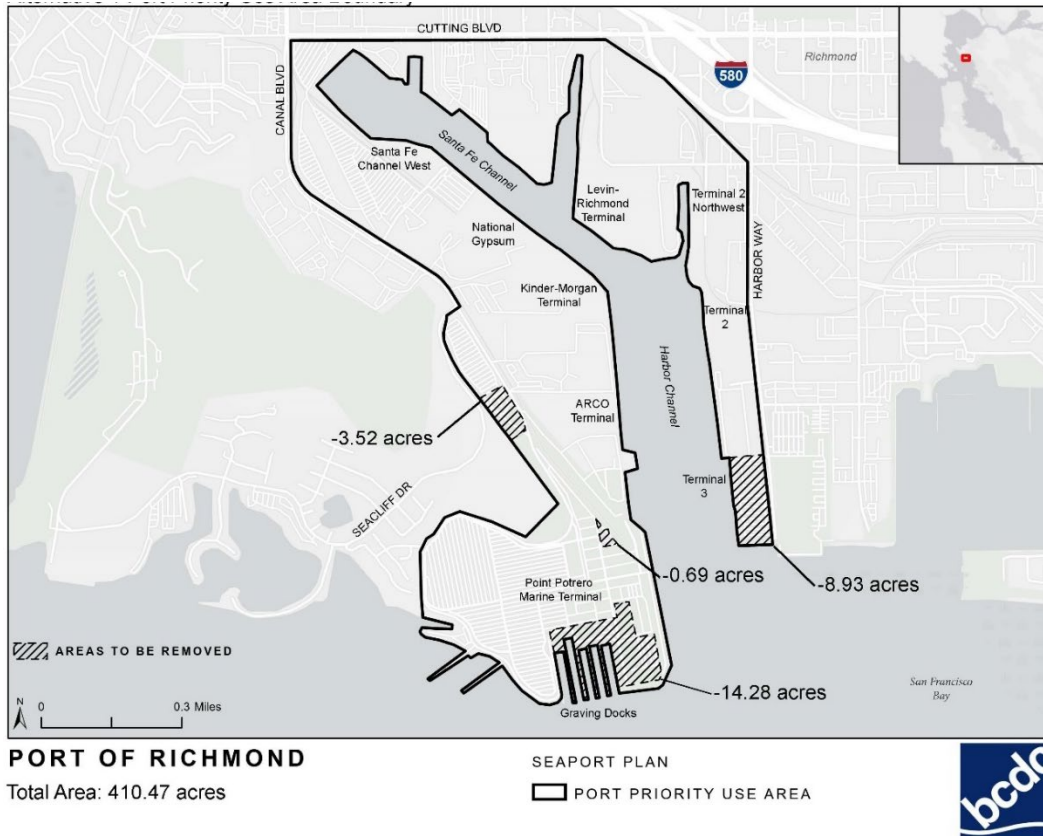
The *Seaport Plan* update would remove three areas from PUA designation (**Figure 4**). The areas proposed for removal from the PUA designation are no longer viable for cargo handling. The graving docks and historic building by the Point Potrero Terminal are located outside of the terminal and can be accessed without entering the terminal. The docks are part of the Rosie the Riveter WWII Home Front National Historical Park. Removal of the docks and the historic

³ Dry bulk imports in the Bay Area have been dominated by construction industry needs. The main import demand is for sand and gravel aggregates; bauxite and slag, which are used as concrete additives; and gypsum, used in wallboard. The main outbound dry bulk cargoes are scrap metal; petroleum coke, a refinery byproduct; and coal (Tioga 2020).

building from the Port PUA would not affect port operations. The ferry terminal parking lot at Harbor Way was designated to be part of a potential container cargo for break bulk cargo use when the *Seaport Plan* was published in 1996. The Port of Richmond no longer handles container cargo and is unlikely to in the future. The site does not have adequate backland space⁴ that was contemplated in the original Plan. The site now has a ferry parking lot, a fishing pier, a segment of the Bay Trail, and a ferry landing, and is not suitable for cargo use. Thus, removal of the site would not detract from the region's ability to meet projected cargo growth, and its removal would similarly not affect port operations.

The Richmond General Plan 2030 designates most of the Port PUA as Port, which allows working waterfront uses such as privately and publicly owned port terminals, warehousing, commercial fishing, ship repair, and related office uses. The exception is a portion of BCDC's Port PUA south of Terminal 3, which is designated as Parks and Recreation under the Richmond General Plan 2030. This Parks and Recreation area covers the parking lot and surrounding area that the Port of Richmond is requesting to remove from the Port PUA designation (BCDC 2020). The portion of the Port PUA that contains the proposed change area at Harbor Way is covered by the South Richmond Priority Development Area, which is designated by MTC/ABAG in Plan Bay Area, the Bay Area's regional transportation plan/sustainable communities strategy (RTP/SCS), as transit-accessible sites to direct infill development of new housing and employment. The removal of the PUA designations at the Port of Richmond is consistent with historic protections and local zoning regulations.

⁴ Backland is generally considered the land behind or beyond an area that is built on or otherwise developed.



SOURCE: BCDC 2023a (see Appendix A)

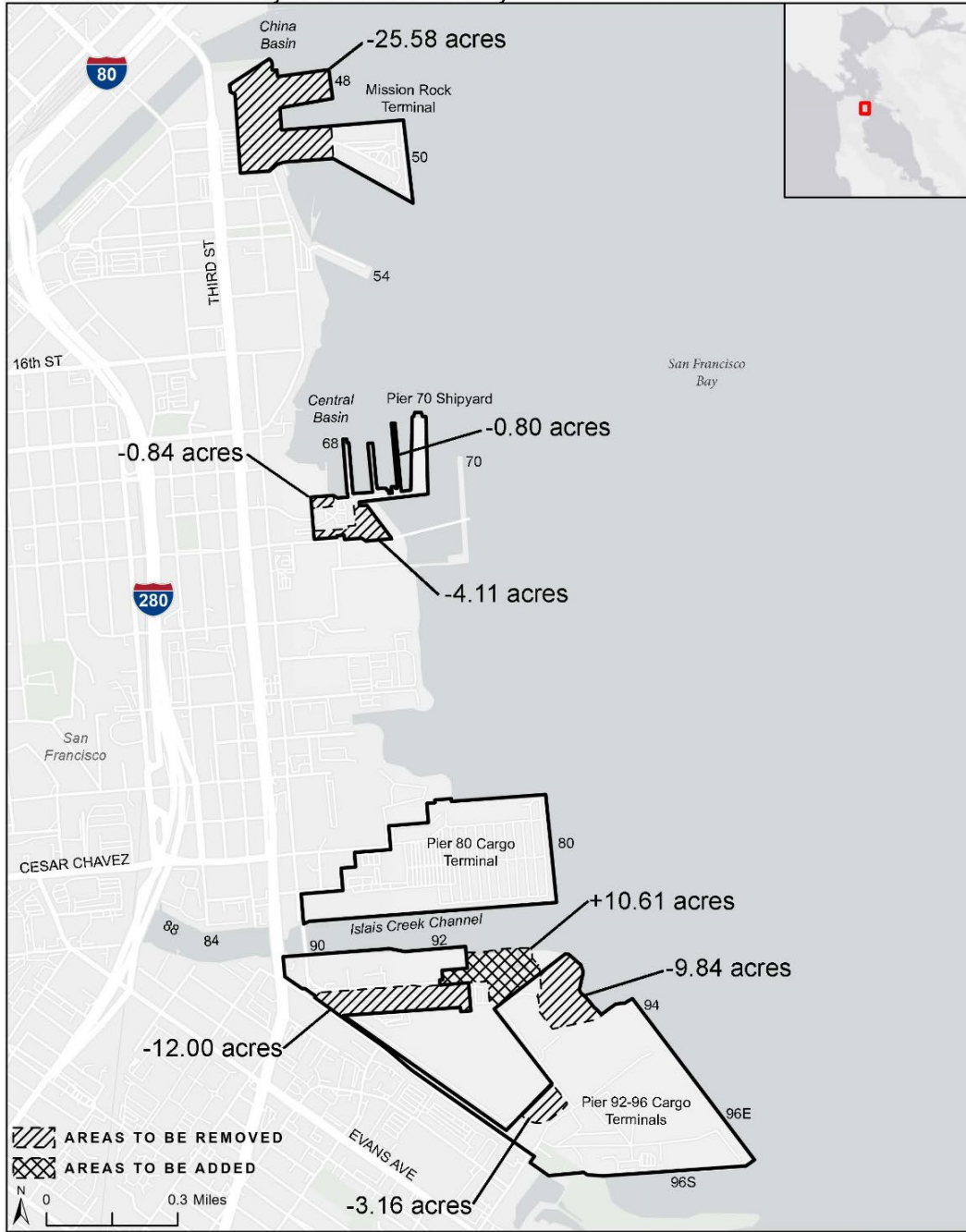
Figure 4
Richmond Port Priority Use Area

Port of San Francisco

The San Francisco Port PUA consists of several terminals and related industrial lands operated by the Port of San Francisco south of China Basin. The port handled container cargo until 2013. It currently handles Ro-Ro and dry bulk cargo.

The *Seaport Plan* update proposes to remove seven sites from PUA designations and add one site (**Figure 5**). Pier 48 and seawall lot 337 should be removed from Port PUA designation per Assembly Bill (AB) 2797 (Chiu, 2016), which found that the pier is a contributor to the Embarcadero Historic District and no longer viable for break bulk cargo operations. The bill deemed the site to be free of the Port Priority Use designation as of January 1, 2017. The *Seaport Plan* should be updated to reflect that change.

At Pier 70, the proposed removal of the designation on the pier is also an administrative measure, as the pier no longer exists. The Port of San Francisco requested the proposed removal of the parking lot, also known as the Building 6 Triangle, after determining that it is not needed for the continued use of Pier 70 as a ship repair site, and because the parking lot is associated with Building 6, a vacant historic building that is not part of the Port PUA.



**PORT OF
SAN FRANCISCO**

Total Area: 223.20 acres

SOURCE: BCDC 2023a (see Appendix A)

SEAPORT PLAN

PORT PRIORITY
USE AREA



Figure 5
San Francisco Port Priority Use Area

Piers 80–96 constitute the Maritime Eco-Industrial Center, the result of a strategy to co-locate maritime industrial uses to enable product exchange, optimize the use of resources, incorporate green design and technologies, foster resource recovery and reuse, provide economic opportunities for residents, minimize environmental impacts, and provide open spaces for recreation and habitat. The changes proposed in this area are intended to support this strategy by protecting this area for uses that are consistent with port uses. The PUA at the northern portion of Pier 94 (Pier 94N) is proposed for removal. This area is not currently being used for port operations. An emergent wetland is now established in the area where a container berth and approximately 10 acres of associated fill had been planned for future development.

The other proposed change areas requested for removal in the Maritime Eco-Industrial Center are part of the Pier 90–94 backlands. The Port of San Francisco states that this area was never used for expanded cargo facilities and that inconsistent maritime market demands have limited the amount of economic value it has provided for the community. The proposed addition of 10.61 acres between Pier 92 and Pier 94 ensures that this area will be used in a manner consistent with port use – such as the current use of this parcel as a landing area for cargo, currently aggregates – though the Port PUA designation would not necessarily compel the specific current use. Although the proposed changes at the Port of San Francisco would in total reduce Port PUA acreage by approximately 46 acres, the changes primarily reconcile actual used and usable acreage and would have little impact on estimated cargo capacity. The estimates used in the Cargo Forecast already considered that the areas proposed for removal would not be suitable for cargo operations in the future. The addition proposed at Piers 92–94 supports the existing use of the parcel for handling aggregates (as well as any future proposed change in the existing use to another port-consistent use) and is already included in the Cargo Forecast’s estimates.

Selby

Similar to the Concord Naval Weapons Reservation, Selby has been designated for port priority use since 1982, when the original *Seaport Plan* added a Port PUA designation to the previously existing water-related industry priority use designation because of the site’s deep-water access. The current terminal designation for Selby was established in 1996, when the *Seaport Plan* found that the site’s flat geography and access to rail and freeways would be conducive to the development of a five-berth bulk terminal. Given the needs highlighted in the prior cargo forecast at the time, the *Seaport Plan* designated the site for liquid bulk⁵ but acknowledged that it could be developed for other bulk cargo. The site has never been used as a port and does not currently support maritime shipping uses, and is now proposed to be removed from the Port PUA.

As discussed in Chapter 1, BCDC sought feedback from the Bay Area ports and surrounding communities as part of the *Seaport Plan* update process. BCDC received public comments from community members of Rodeo and Crockett, in the vicinity of the Selby Port PUA, requesting that the Port PUA designation be removed from the site. The commenters were concerned about the potential environmental, health, and economic impacts of a possible future port operation on the surrounding community. The commenters have also previously expressed concern that the

⁵ *Liquid bulk cargo* may refer to refinery (i.e., petroleum products) or non-refinery liquid bulk cargo. Non-refinery liquid bulk cargo includes imported vegetable oils and chemicals (Tioga 2020).

liquid bulk designation for the future Selby terminal could allow petroleum-related uses on the site, particularly potential expansion of inbound crude oil shipping at the adjacent Phillips 66 refinery. Petroleum is not included in the liquid bulk terminal designation (it is covered under water-related industry), although other liquids such as vegetable oils or chemicals would be.

The Selby Port PUA was previously the site of a smelting operation (the American Smelting and Refining Company, known as “ASARCO”) that produced slag as a waste product and deposited it on the site. In 1977, Wickland Oil Company purchased the smelter with the intention of developing a coal terminal; however, studies conducted in the early 1980s determined that the slag was hazardous and required remediation. The site was leveled and covered with an asphalt cap in 1992, when the initial cleanup measures were completed. However, studies conducted in the early 2000s found the presence of toxic metals in the slag that were affecting the Bay.

Most of the land within the Selby Port PUA is held in trust by the State Lands Commission, although a small portion is owned by C. S. Land, an affiliate of the Phillips 66 Company. The California Department of Toxic Substances Control is overseeing the ongoing cleanup process, for which the owners, the State Lands Commission, C. S. Land, and ASARCO are responsible parties. The Selby site is listed on the State of California’s Hazardous Waste and Substances Sites List, or Cortese List, and is undergoing a remediation process. The State Lands Commission also leases its portion of the site to C. S. Land, authorizing the company to hold the commission’s portion of the site in an “undeveloped state” (BCDC 2023c). Given the hazardous nature of the site, future development opportunities in the Port PUA may be limited.

As there is no existing cargo port and no plans for developing a port at Selby, staff recommended removing this PUA from the *Seaport Plan*.

Concord Naval Weapons Reservation

Similar to Selby, the Concord Naval Weapons Reservation has been designated for port priority use since 1982, when the original *Seaport Plan* designated a 1,500-acre Port PUA 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 area subject to the Port PUA 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 Seaport 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.

Concord reserve has been designated in the *Seaport Plan* as a Port PUA since the original Plan was published in 1982, but no proposal to develop the site for such uses has materialized in that 40-year timeframe. Because the timeline for potentially redeveloping this site is outside the scope of the *Seaport Plan* update, the surrounding context or appropriateness of using this site for cargo handling is likely to be very different in the future than it is today, and BCDC staff recommend removing the Priority Use designation. Removing the Port Priority Use designation would not remove the Water-Related Industry Priority Use designation from the site. The Water-Related Industry designation is a separate priority use designation in the Bay Plan that is not part of the *Seaport Plan*, and it was not considered as part of this planning process. Further, removal of the Port PUA designation would also not preclude the site from being used for port purposes in the future if warranted under the circumstances at that time.

2.1.3 Part III: Implementation Changes

Part III of the current *Seaport Plan* addresses the Plan’s implementation, describing agency responsibilities, the process for amending the Plan, the need for other studies, and the responsibilities of MTC and other agencies, and providing boundary descriptions for the Port PUAs. This section is primarily procedural and non-substantive. In the proposed *Seaport Plan* update, this section has been deleted and policies regarding coordination with other agencies have been moved into Part I: Policies under the heading “Regional Coordination and Future *Seaport Plan* Updates.” The boundary maps for the Port PUAs have been moved into Part II: Designations.

2.2 Key Components of BCDC Actions

As indicated above, the current actions being considered by BCDC are:

- Amending and updating the *San Francisco Bay Plan* to reflect changes in Port PUAs and associated PUA maps.
- Amending and updating the *San Francisco Bay Area Seaport Plan* including general findings and policies, port PUAs, and associated PUA maps.

2.2.1 Amending the San Francisco Bay Plan

The McAteer-Petris Act specifies that BCDC may make amendments or other changes to all or any part of the *Bay Plan*, provided that such changes are consistent with findings and declarations of policy of the Act. BCDC must conduct a public hearing on any proposal to change *Bay Plan* policies or maps, and BCDC may amend the *Bay Plan* policies upon an affirmative vote of two-thirds of the members of BCDC after the hearing on the proposed policy amendment.

2.2.2 Changing Existing Port PUA Designations

The *Seaport Plan* requires that Port PUAs be protected for marine terminals and directly related ancillary activities 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 can also be permissible uses, provided that they do not significantly impair the efficient utilization of the port area.

To consider removing a Port PUA designation from the *Seaport Plan*, BCDC must evaluate the impact of that removal on the region's capacity to handle the amount of oceangoing cargo projected to pass through Bay Area ports. More specifically, BCDC must determine whether eliminating the potential future use of the site for port-related purposes will negatively affect the region's cargo handling capacity, and whether it will increase the need to fill the Bay for future port development. This policy evaluation is essentially set forth in General Policy 4 of the existing plan, which 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.

If BCDC approves the proposed amendment, there will be an approximate 50-acre net reduction of developed Port PUA across the five ports addressed in this EA, as well as the removal of 1,576 acres of undeveloped 'reserve' Port PUA. However, the change in acreage reflects the forecast shipping needs and actual viability of the specific sites at issue across the Bay, as discussed previously.

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CHAPTER 3

Environmental Assessment of the Seaport Plan Update

3.1 Evaluation of Environmental Effects Resulting from the Seaport Plan Update

Pursuant to 14 CCR Sections 11003(b)(6), 11005(b)(2), and 11521, the project EA must analyze all substantial, adverse environmental impacts that the proposed activity may cause; all irreversible environmental impacts that the proposed activity may cause; any feasible mitigation measures that would reduce such substantial adverse environmental impacts; and any feasible alternatives to the proposed project, including design alternatives, that would reduce such substantial adverse environmental impacts.

Direct Effects of BPA 1-19 as Informed by the Project Scope

For CEQA purposes, it is important to properly understand the nature and scope of the *Seaport Plan* update “project.” As specified in the CEQA Guidelines, a “project” refers to the whole of an action and to the underlying activity being approved, including an activity directly undertaken by a public agency. (14 CCR Section 15378(a), (c).) Here, the “whole of the action” is the proposed update to the *Seaport Plan* as a *Bay Plan* amendment under the Commission’s planning program and authority. As discussed in Chapter 2, Part I consists of amending the generally applicable policies of the *Seaport Plan*. Part II modifies and substantially simplifies the designation of Port PUAs, based on requests by the individual ports, to make the Plan more flexible and responsive to changing conditions. The primary function of the *Seaport Plan* is to “reserve sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill for port development.” Accordingly, the proposed Plan should be evaluated with respect to the potential impacts of the need for new Bay fill, and any additional adverse environmental impacts that could result because of the update and, if any are identified, feasible mitigation measures and alternatives should also be evaluated in order to minimize such impacts to a level of less than significance.

Accordingly, as described below, several assumptions regarding future development have been made in this EA.

First, the removal of a PUA designation from any given area (except the approximately 9.84-acre property within the Port of San Francisco, which is emergent wetland) would result in a reduction of development restrictions, as those sites could be redeveloped with uses other than maritime-specific uses.

The redevelopment of formerly PUA-designated areas could, depending on a specific development or use proposed or anticipated, result in a range of potential environmental impacts associated with the construction and operation of redevelopment, such as:

- Potential impacts related to air quality, water quality, geology and soil stability, noise, transportation and circulation, environmental justice, and greenhouse gas emissions;
- Potential impacts on local wildlife from construction and operation disturbance such as light and glare, and acoustic aquatic impacts.
- Potential impacts on aesthetics, scenic views, and public access.

Subsequent to the *Seaport Plan* update, dredging in navigational channels and at marine terminals could potentially occur to accommodate changes in cargo demands, though such changes in cargo demands would not be as a consequence of the *Seaport Plan* update but rather would be market-driven changes. Examples of changes in cargo demands include a terminal changing from one type of cargo to another or accommodating larger vessels in a manner that is currently restricted by the existing terminal designations. This could result in a range of environmental impacts caused by dredging and construction, such as:

- Potential impacts to aquatic wildlife and habitats.
- The disturbance of contaminated Bay sediments.
- Changes to water surface area and volume.

Finally, the addition of a PUA designation to any given area would increase restrictions on the types of permissible development (i.e., consistent with port use) but the above-identified potential environmental impacts may still be applicable depending on the facts presented of any particular proposed development, even within a PUA-designated area.

A change in BCDC’s Port PUA designation by nature would not be expected to have a direct impact on the site or the environment because the nature of a *Bay Plan* amendment “project” changing a Port PUA designation is merely a planning-level change to applicable *Bay Plan* map(s) and/or *Seaport Plan* map(s) and/or figure(s). In other words, the only direct “effect” or “consequence” of the PUA designation change is to add, remove, otherwise change the extent of an area for which approval of a BCDC permit must be for a use consistent with port use, though no permit application submittals are associated with any of the proposed PUA changes.

Indirect Effects That Are Reasonably Foreseeable Consequences of BPA 1-19

Any potential impacts resulting from the PUA designation changes would be indirect and would occur as the result of some future proposed development. As mentioned, the proposed *Seaport Plan* update “project” consists solely of amending the *Seaport Plan*; it is not a development project. Any future proposed development projects or activities within any of the areas that are the subject of the proposed PUA changes would be subject to the requirement to obtain a BCDC permit (in addition to any other necessary governmental approvals – see discussion on page 3 above), and any such future potential development projects or activities are not reasonably

foreseeable consequences of BCDC's action to change the PUA designations as proposed in the *Seaport Plan* update.

In CEQA parlance, adequate environmental analysis requires an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) Furthermore, whether a future action is a reasonably foreseeable "consequence" of the action under consideration depends on whether the two actions have the same proponents, serve the same purpose, and can be implemented independently of each other. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1226.) Any potential future development proposed or anticipated in relation to the PUA changes proposed as part of the *Seaport Plan* update are not "consequences" of BPA 1-19. First, while the individual ports have requested the PUA changes that are part of BPA 1-19, the Commission is acting as CEQA lead agency on the *Bay Plan* amendment for which no other agency is acting as a CEQA responsible agency. While some of the future development proposed or anticipated in relation to the PUA changes may be proposed by the ports themselves, such as the potential future omni terminal at the Port of Redwood City and the proposed ancillary maritime services truck parking and truck services facility at the Port of Oakland (which has been in process well before initiation of BPA No. 1-19), for purposes of realizing any development-level project(s) the ports themselves (or another local government agency) can be expected to be CEQA lead agency in the first instance (14 CCR Section 15051(b)(1)), while BCDC can be expected to act on any necessary permit application as a CEQA responsible agency (Government Code Section 66632(b)) where and when BCDC has jurisdiction. In other words, the decisions whether to allow any future development proposed or anticipated in relation to the PUA changes proposed as part of the *Seaport Plan* update can be expected to be taken by different CEQA lead agencies than BCDC acting as CEQA lead agency for purposes of BPA No. 1-19.

Furthermore, the PUA changes proposed as part of the *Seaport Plan* update and any potential future development proposed or anticipated in relation to the PUA changes serve different purposes. In instances where a Port PUA designation is proposed for reduction or removal, the purpose is not to facilitate any particular future development proposal, but because a determination was made that such removal would not detract from the region's capability to meet projected growth in cargo (*Seaport Plan* General Policy 4) and/or due to the lack of viability of the site to contribute to port functions. Likewise, in instances where a Port PUA designation is proposed for increase or addition, the purpose is not to facilitate any particular future development proposal which may be consistent with the Port PUA designation, because consideration of any particular development-level proposal simply is not part of the decision-making process when BCDC acts on a BPA to change a PUA designation. Rather, the purpose of increase or addition of a Port PUA designation is to ensure ongoing protection into the future that such site will be used for port-consistent uses (regardless of whether it is a currently proposed or anticipated port-consistent use or a different future port-consistent use) in order to minimize the necessity for future Bay fill to create new sites for port-consistent uses. A Port PUA designation

does not mandate or compel any particular use proposal, so long as such use can be found consistent with port purposes, nor does a Port PUA designation preclude change from a particular port-consistent use to a different port-consistent use. Therefore, the PUA changes proposed as part of BPA No. 1-19 serve a different purpose than any of the potential future development proposed or anticipated in relation to the PUA changes.

Finally, the PUA changes proposed as part of the *Seaport Plan* update can be implemented independently of any potential future development proposed or anticipated in relation to the PUA changes. (As explained in the preceding paragraph, a Port PUA designation does not mandate or compel any particular use proposal.) While the same cannot be said for any future proposed or anticipated development which may inconsistent with an existing Port PUA designation identified for reduction or removal (though the same can be said for any future proposed or anticipated development which is consistent with a proposed PUA designation increase or addition), the significance of this fact is simply that removal of a Port PUA designation is a legal necessity before a BCDC permit could be approved for a potential proposed development not consistent with the existing Port PUA designation. However, this fact does not then necessarily render the future potential proposed or anticipated development to be a consequence of the PUA change.

For the reasons explained above, any potential future development proposed or anticipated in relation to the PUA changes proposed as part of the *Seaport Plan* update are not “reasonably foreseeable consequences” of BPA 1-19, and the environmental impacts of such potential future proposed or anticipated development does not need to be evaluated as part of the environmental analysis of this EA for BPA 1-19. (See also discussion in Section 2.1.2 on pages 16 to 27 above.) BCDC will evaluate the environmental effects of any such potential future proposed or anticipated development as a CEQA responsible agency if and when permit applications are submitted for such projects in the future.

3.2 Existing Conditions

The *Seaport Plan* is an element of the *Bay Plan* and is used by BCDC when making port-related regulatory decisions regarding permit applications, federal consistency determinations under the federal Coastal Zone Management Act, and related matters. Under Section 66611 of the McAteer-Petris Act, BCDC designated shoreline areas within its jurisdiction that are suitable for uses requiring waterfront access (water-oriented priority uses). These designations are intended to minimize the risk of use of such areas for non-water-oriented development, which in turn would increase the potential for otherwise needing to fill the Bay for these designated waterfront uses. The *Seaport Plan* designates shoreline areas within BCDC’s jurisdiction that are necessary for future port development, marine terminals, and areas reserved for specific cargo handling operations as Port PUAs.

Areas determined to be necessary for future port development and designated as Port PUAs are intended to be reserved for port-related uses and/or other uses that will not impede development of the sites for port purposes. Within Port PUAs, marine terminals are identified specifically for

their cargo handling operations ability. The following existing marine terminals operate on the Bay:

- In Benicia, the Benicia Port Terminal Company owns and operates a 4-berth marine terminal on the Carquinez Strait, west of the Benicia-Martinez Bridge. As of 2023, BPTC handles autos and trucks in Ro-Ro service, predominantly imports. The Benicia Port Terminal Company also exports petroleum coke in bulk from a nearby refinery. No PUA map changes are proposed at Benicia.
- The Port of Oakland loads and discharges more than 99 percent of the containerized goods moving through Northern California. It is the fourth busiest container port on the U.S. West Coast and one of the top ten in the U.S. with anticipated growth projections increasing from 2.34 million twenty-foot equivalent units in 2022 to 5.19 million twenty-foot equivalent units in 2050. The Port serves as a primary export gateway for agricultural products from California's Central Valley; the Port exported approximately \$13.6 billion in agricultural products in 2022. Approximately 43 percent of the loaded twenty-foot equivalent units handled at the Port are export commodities including recycled paper, nuts, fruit, meat, grains, iron/steel products, and dairy products, with these products often going to markets in Asia, primarily China, Japan, and Korea. The Port of Oakland is often the last port of call before vessels return to Asia because it offers later and faster shipping options for exporters. As a result, it is one of the few U.S. ports where containerized exports are balanced with imports.
- As of 2023, the Port of Richmond ranks number one in liquid bulk and automobile tonnage among ports on San Francisco Bay. With foundations in petroleum and liquid bulk, the Port of Richmond operates dry bulk, break-bulk, and a state-of-the-art automobile processing facilities with Ro-Ro design on the City's southern waterfront. The Port of Richmond ranks as one of the top 25 US ports in overall cargo tonnage as defined by twenty-foot equivalent units and dry bulk cargo tonnage. Richmond's overall tonnage ranged between 25 and 29 million short tons.
- While in use since 1851, the Port of Redwood City was founded by City Charter in 1937. As the only deep-water port in the South San Francisco Bay, the Port serves Silicon Valley by managing 120 acres of industrial and commercial land, including a municipal marina. Annually, the Port fuels economic impact to the region through facilitating cargo across port docks. Port success funds City services and supports the local community through investing in local events, over 1 mile of public walkways and trails, art, viewing areas, and offering a public boat launch, dry dock storage and other public amenities.
- The Port of San Francisco is one of the most diverse ports in the country. Passenger cruise, ferries and water taxis, excursion boats, harbor services, commercial fishing and recreational marinas are located primarily in the northern waterfront. Cargo shipping, ship and boat repair, tugs, barges, and harbor services are located in the southern waterfront, which includes a freight rail line connection to the peninsula. Port berths also serve a wide variety of layberthing needs of maritime tenant businesses and visiting

vessels. Cargo shipping occurs at Piers 80, 92, and 94-96 which are located on the north and south sides of Islais Creek in the Bayview Hunters Point district. Pier 80 is used primarily for Ro-Ro auto exports, and Piers 92-94 are active dry bulk terminals. Berths at Pier 80 and Pier 96 are currently used for long-term layup of Maritime Administration Ready Reserve Fleet vessels.

- The 2012 Plan also includes Port Priority Use designations on two sites, Selby and the Concord Naval Weapons Station, to be reserved for potential future marine terminals. There are no existing cargo ports at these PUAs and no plans for developing any ports have ever been set forward since their designation.

The current *Seaport Plan* was adopted in 1996, and it includes a forecast of projected cargo demands through the year 2020. The sites designated as marine terminals in the current *Seaport Plan* were found to provide adequate throughput capability for the region to meet the volume of cargo forecast up to the year 2020, given the constraints under which the *Seaport Plan* was developed. To the extent that ports invested in improvements to their existing terminals, the current *Seaport Plan* assumed that these investments would result in greater efficiency, with less shoreline acreage required throughout the region to meet the future need for marine terminals. Because such investments were projected to increase cargo capacity, fewer terminals were found to be otherwise needed to meet the Cargo Forecast, and less Bay fill would otherwise be needed to construct new marine terminals.

The *Seaport Plan*'s container cargo forecasts were last updated in 2009, primarily to assist BCDC in evaluating an alternative use of Richmond's Port Potrero site for different cargo purposes. The overall bulk Cargo Forecast was last updated in 2012. These prior forecasts reflected a widespread expectation for a relatively strong economic recovery from those contemporaneous recessions. Some of the trends documented in those updates have continued; there have since been numerous shifts in both economic development and trade conditions that necessitated a new Cargo Forecast through 2050. (See discussion below regarding updated 2019-2050 Cargo Forecast.)

3.3 Projected Future Conditions

One of the primary purposes of the *Seaport Plan* is to ensure that the Bay Area maintains sufficient capacity to accommodate regional growth in waterborne cargo into the future. To that end, the 2019–2050 *Cargo Forecast* was prepared, providing projections for the major types of cargo moving through San Francisco Bay and a high-level review of marine terminals and expansion potential within BCDC's jurisdiction (Appendix C) (Tioga 2020). The *Cargo Forecast* provides critical data from which to evaluate individual projects and requests for changes to Port PUAs. Because this is a 30-year forecast, actual cargo volumes are bound to vary from year to year. The purpose of a long-range forecast is to maintain the best possible information about long-term trends that will affect the Bay Area's capacity to handle cargo growth. The *Cargo Forecast* analyzed three different growth scenarios—slow, moderate, and strong—and concluded that across all three scenarios, Bay Area seaports can expect long-term cargo growth in three sectors that could

stress capacity: containerized cargo, Ro-Ro vehicle cargo, and import dry bulk cargo. The *Cargo Forecast* also found under all three scenarios, additional active marine terminal space would be needed, whether that was via increased throughput at existing facilities, horizontal expansion onto vacant land or land in other uses within seaport complexes, or use of dormant marine terminals.

The *Cargo Forecast* as amended in 2023 (Appendix C) reached the following conclusions:

- If the Bay Area experiences Slow Growth to 2050, there will be more than adequate space within existing Port PUAs to accommodate cargo.
- If the Bay Area experiences baseline, Moderate Growth to 2050, as assumed in the *Seaport Plan* and alternatives analysis, the region will be effectively at capacity.
- If the Bay Area experiences Strong Growth, there will be a shortage of Port PUAs available to meet the region's needs.

Accordingly, under a baseline scenario of Moderate Growth to 2050, there would be adequate capacity to meet the forecast cargo capacity without additional Bay fill beyond that already anticipated in the *Seaport Plan* update.

3.4 Potential Need for New Bay Fill for Port Use

As discussed in Chapter 2, Part I of the proposed *Seaport Plan* update revises the general policies to reflect changes in the SPAC's composition, streamline and clarify requirements, and ensure consistency with updated *Bay Plan* policies including environmental justice, sea level rise, and climate change. As addressed in the alternatives analysis for the proposed Plan update (see Appendix B, *Alternatives Analysis*), these changes are largely procedural and would not directly result in the need for any new Bay fill.

Regarding Part II of the proposed *Seaport Plan*, the proposed modifications to PUA designations consist of three types of changes:

- For the Port of Redwood City, the proposed PUA changes would result in the redesignation of developed vacant and low-intensity use land not directly supporting maritime uses to PUA consistent with forecast shipping capacity needs. This change would not displace existing maritime uses and would not result in or increase pressure for new Bay fill for port use.
- For the Port of Oakland, the proposed PUA change consists of a parcel swap of existing developed inland parcels to accommodate an already-planned truck parking and truck maintenance facility that would support maritime activities; accordingly, this change would not result in or increase pressure for new Bay fill for port use.
- For the Ports of Richmond, Selby and Concord, the proposed changes would remove PUA designations in areas that do not currently support maritime operations and were not included in the 2019–2050 Cargo Forecast's capacity estimates. As a result, these changes would not affect shipping capacity, require or increase pressure for new Bay fill for port use.
- For the Port of San Francisco, although the proposed changes would reduce the total PUA by approximately 46 acres, the changes primarily reconcile actual used and usable acreage. Pier

48 and Seawall Lot 337 were already removed from Port PUA designation and their removal from the Port PUA boundary in BPA 1-19 is an administrative matter. None of these areas were included in the 2019-2050 Cargo Forecast's capacity estimates. Accordingly, none of these changes would affect cargo capacity or result in or increase pressure for new Bay fill for port use.

3.5 Environmental Topics Not Discussed Further

During evaluation of the proposed project, the project was found to have no environmental effect relative to certain topics which could potentially be expected to occur as a result of BCDC's planning activities and for which BCDC has the authority to address as outlined in the Bay Plan and *Seaport Plan*. As discussed in Section 3.4 the proposed project should be evaluated with respect to the potential impacts of the need for new Bay fill, and adverse environmental impacts, feasible mitigation measures (if any adverse environmental impacts), and feasible alternatives (again, if any adverse environmental impacts) that could result because of the update. Accordingly, consistent with BCDC's CEQA regulations (14 CCR Section 11521), impacts related to the following environmental topics were determined to have no environmental effect and therefore are not discussed in detail. (Reference also CEQA Guidelines Section 15128 [applicable to EIRs].) These environmental topics have been identified in relation to *Bay Plan* policy areas for which BCDC has authority to address the environmental topic in question for ease of reference.

3.5.1 The Bay as a Resource: Findings and Policies

The Bay Plan identifies eight policy topics relating to the protection of Bay resources. Of those, the following three policy topics are inapplicable to the project because the proposed *Seaport Plan* update would not have a potential impact on these topics within the Port PUAs and, in the case of shell deposits at least, may not constitute an environmental resource for which project impacts must be evaluated; no development is proposed in any current Port PUA or updated Port PUA as part of BPA No. 1-19; and no particular development is a reasonably foreseeable consequence as a result of the project which may potentially affect these policy topics.

- Smog and Weather
- Shell Deposits
- Fresh Water Inflow

3.5.2 Development of the Bay and Shoreline: Findings and Policies

The Bay Plan identifies 23 policy topics relating to development of the Bay and shoreline. Of those, the following three policy topics are inapplicable to the project because no *Seaport Plan* policies relevant to the following topics are proposed to be updated, nor do any of the proposed PUA changes affect any of the areas addressed in these topics which, in the case of airports at least, may not constitute an environmental resource for which project impacts must be evaluated.

- Airports
- Salt Ponds
- Managed Wetlands

Further, the following eight policy topics are inapplicable to the project because no development/Bay fill is proposed in any current Port PUA or updated Port PUA as part of BPA No. 1-19; and no particular development/Bay fill is a reasonably foreseeable consequence in a current or updated Port PUA as a result of the project which may potentially affect these topics, which topics may not constitute environmental resources for which project impacts must be evaluated.

- Safety of Fills
- Shoreline Protection
- Dredging
- Appearance, Design, and Scenic Views
- Other Uses of the Bay and Shoreline
- Fills in Accord with the Bay Plan
- Fill for Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly on Privately-Owned or Publicly-Owned Property
- Filling for Public Trust Uses on Publicly-Owned Property Granted in Trust to a Public Agency by the Legislature

Finally, the following nine policy topics are not addressed in this EA because they pertain to the consistency of the proposed project with *Bay Plan* policies; but are not associated with any potential development or Bay fill as a result of the project which could result in environmental impacts which must be evaluated. General consistency with the *Bay Plan* is addressed in the staff report for project (BCDC 2023c) and that analysis is not duplicated here if there are no potential environmental impacts resulting from the need for new Bay fill.

- Climate Change
- Water-Related Industry
- Ports
- Transportation
- Commercial Fishing
- Recreation
- Public Access
- Public Trust
- Navigational Safety and Oil Spill Prevention

3.6 Potential Environmental Effects of the Seaport Plan Update

As discussed previously, the proposed project consists of amending the *Seaport Plan*. It is not a development project and would have no direct environmental effects. However, elements of the *Seaport Plan* update could indirectly allow for potential environmental effects from future projects, which can be summarized as effects on: 1) Fish, other aquatic organisms, and wildlife; 2) water quality; 3) water surface area and volume; 4) tidal marshes and tidal flats; 5) subtidal areas; and 6) environmental justice.

An analysis of the environmental effects resulting from potential future development would be speculative in relation to BPA 1-19 both because any such potential future development is beyond the project scope of BPA 1-19 and because any such potential future development is not a “reasonably foreseeable consequence” of BPA 1-19. (See prior discussion in Section 3.1.) However, for the purposes of transparent disclosure in the spirit and intent of CEQA, this EA identifies potential indirect environmental effects which may result from the project and evaluates the significance of said indirect environmental effects as informed by relevant Bay Plan policies addressing said environmental topics. Furthermore, any potential future development projects within BCDC’s jurisdiction subject to the *Seaport Plan* would be subject to a permit requirement from BCDC, which will most likely be acting in the role of CEQA responsible agency and at that time will be required to evaluate the environmental impacts of said potential future development projects.

3.6.1 The Bay As a Resource

3.6.1.1 Fish, Other Aquatic Organisms, and Wildlife

Regulatory Setting

Of the seven *Bay Plan* policies on fish, other aquatic organisms, and wildlife, two are relevant to the project. Policies 2 and 4 are addressed below and provide thresholds or criteria for determining potentially substantial adverse environmental effects to fish, other aquatic organisms, and wildlife that may be caused by the proposed project.

Bay Plan Policy 2. *Native species, including candidate, threatened, and endangered species; species that the California Department of Fish and Wildlife, the National Marine Fisheries Service, and/or the U.S. Fish and Wildlife Service have listed under the California or Federal Endangered Species Act; and any species that provides substantial public benefits, as well as specific habitats that are needed to conserve, increase, or prevent the extinction of these species, should be protected, whether in the Bay or behind dikes. Protection of fish, other aquatic organisms, and wildlife and their habitats may entail placement of fill to enhance the Bay’s ecological function in the near-term and to ensure that they persist into the future with sea level rise.*

Bay Plan Policy 4. The Commission should:

- a. Consult with the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species;
- b. Not authorize projects that would result in the “taking” of any plant, fish, other aquatic organism or wildlife species listed as endangered or threatened pursuant to the state or federal Endangered Species Acts, or the federal Marine Mammal Protection Act, or species that are candidates for listing under these acts, unless the project applicant has obtained the appropriate “take” authorization from the U.S. Fish and Wildlife Service, National Marine Fisheries Service or the California Department of Fish and Wildlife; and
- c. Give appropriate consideration to the recommendations of the California Department of Fish and Wildlife, the National Marine Fisheries Service or the U.S. Fish and Wildlife Service in order to avoid possible adverse effects of a proposed project on fish, other aquatic organisms and wildlife habitat.

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on fish, other aquatic organisms, or wildlife as evaluated in relation to Bay Plan Fish, Other Aquatic Organisms, and Wildlife Policies 2 and 4, the analysis considers the following questions:

1. Would the project have a substantial adverse effect on native species, including candidate, threatened and endangered species; species that the California Department of Fish and Wildlife, the National Marine Fisheries Service; and/or the U.S. Fish and Wildlife Service have listed under the California or Federal Endangered Species Act (CESA/FESA)?
2. Would the project result in the "taking" of any plant, fish other aquatic organism or wildlife species listed as endangered or threatened?
3. Would the project have a substantial adverse effect on the Bay's aquatic habitats that benefit fish, other aquatic organisms and wildlife?

Any potential future development of port properties subject to the *Seaport Plan*, as amended, would be subject to its own separate entitlement and environmental review process (likely by a local government agency as the CEQA lead agency, with BCDC acting as a CEQA responsible agency as it typically does), since no ‘on-the-ground’ development-level activity, use, or proposal is proposed as part of BPA 1-19.

Marine Terminal Policy 1 in the current *Seaport Plan* addresses potential effects of development-level activities or uses at marine terminals for which a BCDC permit may be required on fish, other aquatic organisms and wildlife by requiring that proposed Bay fill meet the criteria specified in Section 66605 of the McAteer-Petris Act as follows:

Seaport Plan Marine Terminal Policy 1. 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, which are: (1) that public benefits of fill must exceed the public detriment from the loss of water area; (2) that there is no alternative upland location; (3) that the proposed fill is the minimum necessary to achieve the purpose of

the fill; (4) that the nature, location, and extent of any fill should be such that it will minimize harmful effects to the bay area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment, as defined in Section 21060.5 of the Public Resources Code; (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.

All future development-level activities or uses of port properties subject to the *Seaport Plan*, as amended, would also necessitate review by other applicable federal, state, and local permitting authorities, such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, as appropriate, in addition to primary CEQA review by the presumptive local lead agency, in order to ensure minimization of significant environmental impacts to fish, other aquatic organisms, and wildlife resources. To that end, potential future development-level activities or uses of port properties subject to the *Seaport Plan*, as amended, would have to comply with all applicable laws and regulations to reduce or avoid potential impacts on fish, other aquatic organisms, and wildlife.

Environmental Setting

The waters of the greater San Francisco Bay, including the Oakland-Alameda Estuary and sub-bays such as the Central San Francisco Bay, San Pablo Bay, and Suisun Bay, are home to or occasionally support a number of State and federally protected fish species and habitats. For a few of these species, the Bay is considered their critical habitat. These species include multiple runs of steelhead and Chinook salmon, green sturgeon, longfin smelt, and Pacific herring. The San Francisco Bay is also home to or occasionally supports a number of State and federally protected special-status marine mammals including Pacific harbor seal, California sea lion, and harbor porpoise. Additionally, portions of the San Francisco Bay fall within waters designated as Essential Fish Habitat for more than a dozen species of fish managed under three federal fisheries management plans.

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project would not have any direct adverse impact on native species, including candidate, threatened and endangered species listed under CESA or FESA, nor would the project have any direct adverse effect on habitats supporting fish, other aquatic organisms, or wildlife.

Part I – Policy Changes

In the proposed policy changes in Part I of the *Seaport Plan*, the restrictions on Bay fill in Marine Terminal Policy 1 would be reflected in new Preserving and Enhancing Port Priority Use Areas Policies 4 (Bay Fill to Develop Existing Designated Marine Terminal Sites) and 5 (Bay Fill for New Marine Terminals), thus replacing Marine Terminal Policy 1. As part of the strategy in adopting new Policy 5 specifically, in order to allow Bay fill for new marine terminals as part of any required permit application BCDC would require the project proponent to first demonstrate

that all feasible vacant land and dormant terminals have been used, and all reasonable investments to maximize cargo efficiency have already been made, in order to reduce the pressure for Bay fill and the accompanying potential effects on fish, other aquatic organisms, and wildlife.

Policy changes in Part I of the *Seaport Plan*, such as removal of shipping marine terminal designations, would not reasonably be expected to result in indirect environmental impacts to fish, other aquatic organisms, or wildlife. While shifts in cargo vessel traffic based on market conditions could ultimately result in additional dredging and deepening of shipping channels to accommodate changes in shipping and navigation routes, such changes in market conditions would not occur as a result of the removal of shipping marine terminal designations. Both the current Plan (General Policy 5) and the *Seaport Plan* update (Changes to Marine Terminal Use Policy 1) allow for changes to marine terminal designations without requiring a change to the *Seaport Plan* so long as doing so would not detract from the region's ability to accommodate projected growth in cargo. Therefore, indirect environmental impacts to fish, other aquatic organisms, and wildlife resulting as a consequence from policy changes in Part I of the *Seaport Plan* to remove shipping terminal designations vis a vis changes to shipping and navigation routes and associated dredging, is speculative rather than reasonably foreseeable.

Part II – PUA Designation Changes

Potential environmental impacts to fish, other aquatic organisms, and wildlife could occur within former PUA designated areas if those sites are redeveloped with uses other than maritime-specific uses. These include potential impacts on local wildlife resulting from the construction and operation of any potential future development-level activity or use.

However, as further explained in Section 3.1, any environmental impacts to fish, other aquatic organisms, or wildlife which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* are not reasonably foreseeable consequences of BPA 1-19. As explained in the 'Regulatory Setting' section above, potential environmental impacts to fish, other aquatic organisms, or wildlife which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* will be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

For one PUA designation change, the project further benefits protection of fish, other aquatic organisms, and wildlife for an approximately 9.84-acre property within the Port of San Francisco. This property had in the past been designated as a Port PUA, but was never developed, and subsequently an emergent wetland developed within it. Accordingly, the PUA designation is proposed to be removed from this area to avoid prioritizing port development in an area of wetland habitat (and thus de-emphasizing, as a policy matter, allowance of any development-level Port-related activity or use within the wetland habitat which could result in significant environmental impacts to fish, other aquatic organisms, or wildlife).

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* Update would not have a substantial adverse impact on fish, other aquatic organisms, and wildlife, as evaluated in relation to Bay Plan Fish, Other Aquatic Organisms, and Wildlife Policies 2 and 4.

3.6.1.2 Water Quality

Regulatory Setting

Of the seven Bay Plan policies on water quality, six are relevant to the project. Policies 1, 2, 3, 4, 6, and 7 are addressed below and provide thresholds or criteria for determining potentially substantial adverse environmental effects to water quality that may be caused by the proposed project.

Bay Plan Policy 1. *Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.*

Bay Plan Policy 2. *Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's Water Quality Control Plan, San Francisco Bay Basin and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Board, should be the basis for carrying out the Commission's water quality responsibilities.*

Bay Plan Policy 3. *New projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted and effective best management practices, especially where water dispersion is poor and near shellfish beds and other significant biotic resources.*

Bay Plan Policy 4. *When approving a project in an area polluted with toxic or hazardous substances, the Commission should coordinate with appropriate local, state and federal agencies to ensure that the project will not cause harm to the public, to Bay resources, or to the beneficial uses of the Bay.*

Bay Plan Policy 6. *To protect the Bay and its tributaries from the water quality impacts of nonpoint source pollution, new development should be sited and designed consistent with standards in municipal stormwater permits and state and regional stormwater management guidelines, where applicable, and with the protection of Bay resources. To offset impacts from increased impervious areas and land disturbances, vegetated swales, permeable*

pavement materials, preservation of existing trees and vegetation, planting native vegetation and other appropriate measures should be evaluated and implemented where appropriate.

Bay Plan Policy 7. *Whenever practicable, native vegetation buffer areas should be provided as part of a project to control pollutants from entering the Bay, and vegetation should be substituted for rock riprap, concrete, or other hard surface shoreline and bank erosion control methods where appropriate and practicable.*

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on water quality as evaluated in relation to Bay Plan Water Quality Policies 1, 2, 3, 4, 6, and 7, the analysis considers the following questions:

1. Would the project impact tidal marshes, tidal flats, or Bay water surface area, or alter the volume of freshwater inflow into the Bay at levels that may adversely affect Bay resources and/or beneficial uses?
2. Would the project introduce harmful or potentially harmful pollutants into the Bay at levels that may adversely affect water quality that supports and promotes the beneficial uses of the Bay?
3. Would the project be located on a site that is polluted with toxic or hazardous substances, without appropriate coordination to ensure that the project will not cause harm to the public, to Bay resources, or to the beneficial uses of the Bay?
4. Would the project result in non-point source pollution water quality impacts due to an increase in surface disturbance and impermeable surfaces, without offsetting those increases through the protection of native vegetation and implementation of permeable, vegetated areas where appropriate, or by not complying with applicable standards in municipal stormwater permits and state and regional stormwater management guidelines?
5. Would the project require rock riprap, concrete or other hard surface shoreline and bank erosion control methods, where native vegetation buffer areas could otherwise be substituted?

Any potential future development of port properties subject to the *Seaport Plan*, as amended, would be subject to its own separate entitlement and environmental review process since no ‘on-the-ground’ development-level activity, use, or proposal is proposed as part of BPA 1-19. That review and entitlement process would likely be undertaken in the first instance by a local government agency as the CEQA lead agency, with BCDC presumptively acting as a CEQA responsible agency as it typically does.

The *Seaport Plan* update addresses policy changes to six designated Port PUAs around the San Francisco Bay Area. All six Port PUAs are located within areas identified in the RWQCB *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan), which is the Board’s master water quality control planning document. The Basin Plan designates beneficial uses (i.e., areas of special biological significance, estuarine habitat, navigation, contact and noncontact water recreation, etc.) and water quality objectives for waters of the State. The Basin Plan also includes programs of implementation to achieve water quality objectives.

Environmental Setting

The San Francisco Bay Region spans approximately 4,603 square miles along the California coast and is a nexus of biodiversity. Habitats range from the San Francisco Bay Estuary, the largest estuary on the west coast, to tidelands, marshlands, freshwater streams, rivers and deepwater habitats. The San Francisco Bay Estuary conveys the waters of the Sacramento and San Joaquin rivers into the Pacific Ocean and functions as the only drainage outlet for waters of the Central Valley. A complex network of deepwater channels, tide and marshlands, freshwater streams and rivers, and groundwater sources provide a variety of beneficial uses to wildlife and human communities throughout the region. These uses are also recognized as requiring protection from a variety of historical and ongoing industrial, urban, and agricultural activities that could affect water quality in the Bay (RWQCB 2021).

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project would not have any direct adverse impact on water quality.

Part I – Policy Changes

None of the proposed policy changes in the proposed *Seaport Plan* update would alter the requirements for any future development to be subject to a BCDC permit and the water quality requirements of the *Bay Plan*, as well as other applicable state and local permitting authorities. Any future development would need to comply with applicable laws and regulations that protect water quality and prevent or minimize contamination from entering the Bay.

Part II – PUA Designation Changes

As addressed in Section 3.1, no development is associated with this project. Potential future development would be subject to a BCDC permit requirement and would need to comply with all applicable laws and regulations that protect water quality and prevent contamination from point and non-point sources from entering the Bay. Potential environmental impacts to water quality could occur within former PUA designated areas if those sites are redeveloped with uses other than maritime-specific uses, including potential impacts on water quality resulting from the construction and operation of any potential future development-level activity or use.

However, as further explained in Section 3.1, any environmental impacts to water quality which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* are not reasonably foreseeable consequences of BPA 1-19. As explained in the ‘Regulatory Setting’ section above, potential environmental impacts to water quality which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* would be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

In addition, the Concord and Selby PUAs would be removed from the *Seaport Plan*, which would de-prioritize port-related development involving dredging that could disrupt contaminants documented at the site of the Selby PUA designation, and other direct effects on water quality.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* update would not have a substantial adverse impact on water quality, as evaluated in relation to Bay Plan Water Quality Policies 1, 2, 3, 4, 6 and 7.

3.6.1.3 Water Surface Area and Volume

Regulatory Setting

Of the two Bay Plan policies on water surface area and volume, two are relevant to the project. Policies 1 and 2 are addressed below and provide thresholds or criteria for determining potentially substantial adverse environmental effects to water surface area and volume that may be caused by the proposed project.

***Bay Plan Policy 1.** The surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action. Filling and diking that reduce surface area and water volume should therefore be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative.*

***Bay Plan Policy 2.** Water circulation in the Bay should be maintained, and improved as much as possible. Any proposed fills, dikes, or piers should be thoroughly evaluated to determine their effects upon water circulation and then modified as necessary to improve circulation or at least to minimize any harmful effects.*

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on water surface area and volume as evaluated in relation to Bay Plan policies 1 and 2, the analysis considers the following question:

1. Would the project impact the surface area of the Bay, total volume of water, or water circulation such that it would adversely affect active oxygen interchange, water circulation, or effective tidal action?

Future development would be subject to a permit requirement from BCDC presumptively as a CEQA responsible agency and other applicable state and local permitting authorities, in addition to primary CEQA review by the presumptive local lead agency. Future development-level activities or uses of port properties subject to the *Seaport Plan*, as amended, would have to comply with all applicable laws and regulations to reduce or avoid potential impacts on water surface area and volume.

Environmental Setting

Circulation of the water column within the Bay’s various habitats has been identified as a key medium for subtidal habitats and has been identified as a habitat itself. The water column transports material (including sediments, nutrients, and contaminants) and organisms between habitats. The complex pattern of water motion has a profound influence on the retention of sediments and organisms; and impacts the oxygen and salinity gradients which affect, and in some instances control the extent of aquatic habitats and species ranges (Coastal Conservancy 2010).

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project does not include any fill, diking, or dredging that could substantially affect the Bay’s water surface area or volume.

Part I – Policy Changes

As discussed in Section 3.6.1.1, as part of the strategy in adopting new *Seaport Plan* Priority Use Areas Policy 5 specifically, in order to allow Bay fill for new marine terminals as part of any required permit application BCDC would require the project proponent to first demonstrate that all feasible vacant land and dormant terminals have been used, and all reasonable investments to maximize cargo efficiency have already been made, in order to reduce the pressure for Bay fill and the accompanying potential effects on water surface area and volume.

Part II – PUA Designation Changes

As further explained in Section 3.1, there are no reasonably foreseeable indirect environmental impacts to water surface area or volume following the changes to the Port PUA designations in Part II of the *Seaport Plan*. As previously addressed, potential environmental impacts to water surface area or volume which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* will be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects.

The removal of the approximately 9.84-acre property from the Port of San Francisco PUA further benefits the protection of water surface area and volume by de-emphasizing allowance of any development-level Port-related activity or use within the wetland habitat which could result in significant adverse effects to water surface area or volume within the Bay, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* Update would not have a substantial adverse impact on water surface area or volume as evaluated in relation to Bay Plan Water Quality Policies 1 and 2.

3.6.1.4 Tidal Marshes and Tidal Flats

Regulatory Setting

Of the 12 *Bay Plan* policies on tidal marshes and tidal flats, three are relevant to the project. Policies 1, 2 and 3 are addressed below and provide thresholds or criteria for determining potentially substantial adverse environmental effects to tidal marshes and flats that may be caused by the proposed project.

Tidal Marshes and Tidal Flats

Bay Plan Policy 1. *Tidal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative.*

Bay Plan Policy 2. *Any proposed fill, diking, or dredging project should be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats, and designed to minimize, and if feasible, avoid any harmful effects.*

Bay Plan Policy 3. *Projects should be sited and designed to avoid, or if avoidance is infeasible, minimize adverse impacts on any transition zone present between tidal and upland habitats. Where a transition zone does not exist and it is feasible and ecologically appropriate, shoreline projects should be designed to provide a transition zone between tidal and upland habitats.*

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on tidal marshes and tidal flats as evaluated in relation to Bay Plan Tidal Marshes and Tidal Flats Policies 1, 2 and 3, the analysis considers the following questions:

1. Does the project propose any fill, diking, or dredging that could substantially harm tidal marsh or tidal flat habitat?
2. Does the project propose any impacts to transitional zones between tidal and upland habitats?

Future development would be subject to a permit from BCDC presumptively as a responsible agency and other applicable state and local permitting authorities, in addition to primary CEQA review presumptively by the local lead agency. Future development-level activities or uses of port properties subject to the *Seaport Plan*, as amended, would have to comply with all applicable laws and regulations to reduce or avoid potential impacts on tidal marshes and tidal flats.

Environmental Setting

According to the Basin Plan, the San Francisco Bay Region is home to approximately 1,100 square miles of the San Francisco Bay Estuary, the largest estuary on the west coast of the United States (RWQCB 2021). Tidal marshes provide flood protection for homes and businesses, filtration of stormwater runoff, prevention of erosion from waterfront properties, habitat for birds and waterfowl, and nurseries for fish and shellfish. Additionally, the Bay is home to many at-risk species. Some of these species—i.e., the endangered Ridgway’s rail, formerly called the clapper rail—live exclusively in tidal marsh habitat (U.S. Climate Resilience Toolkit 2017). Tidal marshes and tidal flats are a high-priority conservation target: more than 85% of historical tidal marsh acreage in the Bay and estuary has been diked or filled for agricultural or other urban uses (USGS 2017) and to date more than 20,000 acres of wetlands have been restored to tidal action around the Bay (U.S. Climate Resilience Toolkit 2017).

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project does not include any fill, diking, or dredging that could substantially harm tidal marsh or tidal flat habitat and does not include the disturbance or creation of transitional tidal zone habitat.

Part I – Policy Changes

As discussed in Section 3.6.1.1, as part of the strategy in adopting new *Seaport Plan* Priority Use Areas Policy 5 specifically, in order to allow Bay fill for new marine terminals as part of any required permit application BCDC would require the project proponent to first demonstrate that all feasible vacant land and dormant terminals have been used, and all reasonable investments to maximize cargo efficiency have already been made, in order to reduce the pressure for Bay fill and the accompanying potential effects on tidal marshes and tidal flats.

Part II – PUA Designation Changes

As further explained in Section 3.1, there are no reasonably foreseeable indirect environmental impacts to tidal marshes or tidal flats following the changes to the Port PUA designations in Part II of the *Seaport Plan*. As previously addressed, potential environmental impacts to tidal marshes and flats which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* will be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

The removal of the approximately 9.84-acre property from the Port of San Francisco PUA further benefits protection of tidal marshes and tidal flats for an approximately 9.84-acre property within the Port of San Francisco by de-emphasizing allowance of any development-level Port-related activity or use within the wetland habitat which could result in significant environmental impacts to tidal marshes or tidal flats.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* Update would not have a substantial adverse impact on tidal marshes or tidal flats as evaluated in relation to Bay Plan Tidal Marshes and Tidal Flats Policies 1, 2 and 3.

3.6.1.5 Subtidal Areas

Regulatory Setting

Of the 10 Bay Plan policies on subtidal areas, two are relevant to the project. Policies 1 and 2 are addressed below and provide thresholds or criteria for determining potentially substantial adverse environmental effects to subtidal areas that may be caused by the proposed project.

***Bay Plan Policy 1.** Any proposed filling or dredging project in a subtidal area should be thoroughly evaluated to determine the local and Bay-wide effects of the project on: (a) the possible introduction or spread of invasive species; (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; and (e) the Bay's bathymetry. Projects in subtidal areas should be designed to minimize and, if feasible, avoid any harmful effects.*

***Bay Plan Policy 2.** Subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits.*

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on subtidal habitats as evaluated in relation to Bay Plan policies 1 and 2, the analysis considers the following question:

1. Would the project have a substantial adverse effect on the Bay's subtidal areas that could introduce or spread invasive species or could impact (a) special or unique areas (e.g., eelgrass beds, sandy deep water); (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; or (e) bathymetry?

Any potential future development would be subject to a permit requirement from BCDC presumptively as a CEQA responsible agency and other applicable state and local permitting authorities, in addition to primary CEQA review presumptively by the local lead agency and would further need to comply with all applicable laws and regulations that protect subtidal areas.

Environmental Setting

The *Bay Plan* recognizes subtidal habitats (which include all submerged areas beneath the Bay's water surface) as an important part of the San Francisco Bay environment. Subtidal habitats

including eelgrass and shellfish beds, rocky outcrops, and mixed sediments support food webs and sheltering and feeding habitat for a variety of ocean life from micro-invertebrates to salmon, marine mammals and shorebirds. Subtidal habitats also indirectly support ecosystem services including nutrient cycling, water quality maintenance, flood protection, and sediment transport (Coastal Conservancy 2010).

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project would not have any direct adverse impact on subtidal habitats and does not include actions that could introduce or spread invasive species or could impact (a) special or unique areas (e.g., eelgrass beds, sandy deep water); (b) tidal hydrology and sediment movement; (c) fish, other aquatic organisms and wildlife; (d) aquatic plants; or (e) bathymetry.

Part I – Policy Changes

None of the proposed policy changes in the proposed *Seaport Plan* update would alter the requirements for any future development to be subject to a BCDC permit requirement and the water quality requirements of the Bay Plan, as well as other applicable state and local permitting authorities. Any future development would need to comply with all applicable laws and regulations that protect subtidal habitat.

Part II – PUA Designation Changes

As further explained in Section 3.1, any indirect environmental impacts to subtidal habitats which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* are not reasonably foreseeable consequences of BPA 1-19. Potential environmental impacts to subtidal habitats which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* will be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* update would not have a substantial adverse impact on subtidal habitat as evaluated in relation to Bay Plan Subtidal Areas Policies 1 and 2.

3.6.2 Development of the Bay and Shoreline

3.6.2.1 Environmental Justice and Social Equity

Regulatory Setting

The four Bay Plan policies on environmental justice and social equity are relevant to the project. Policies 1, 2, 3 and 4 are addressed below and provide thresholds or criteria for determining potentially substantial adverse effects on environmental justice and social equity that may be caused by the proposed project.

Bay Plan Policy 1. *The Commission’s guiding principles on environmental justice and social equity should shape all of its actions and activities.*

Bay Plan Policy 2. *Since addressing issues of environmental justice and social equity should begin as early as possible in the project planning process, the Commission should support, encourage, and request local governments to include environmental justice and social equity in their general plans, zoning ordinances, and in their discretionary approval processes. Additionally, the Commission should provide leadership in collaborating transparently with other agencies on issues related to environmental justice and social equity that may affect the Commission’s authority or jurisdiction.*

Bay Plan Policy 3. *Equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.*

Bay Plan Policy 4. *If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.*

In order to determine whether the *Seaport Plan* amendment would have a significant adverse effect on environmental justice and social equity as evaluated in relation to Bay Plan policies 1, 2, 3 and 4, the analysis considers the following questions:

1. Is the proposed project consistent with applicable guiding principles and policies regarding environmental justice and social equity?
2. Has equitable, culturally-relevant community outreach and engagement been incorporated into the project?

3. If the project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, has mitigation been required for any disproportionate adverse project impacts?

Environmental justice is not a physical environmental effect whose analysis is required under CEQA. However, Bay Plan policy topics concerning environmental protection within the purview of CEQA that may also be relevant to environmental justice include biological resources, water quality, and changes in water surface area and volume as a result of dredging and filling. Therefore, this EA considers potential *Seaport Plan* impacts related to biological resources and water quality within the context of environmental justice.

Any potential future development of port properties subject to the *Seaport Plan*, as amended, would be subject to its own separate entitlement and environmental review process (likely by a local government agency as the CEQA lead agency, with BCDC presumptively acting as a CEQA responsible agency as it typically does), since no ‘on-the-ground’ development-level activity, use, or proposal is proposed as part of BPA 1-19.

Environmental Setting

The Bay Plan’s Environmental Justice and Social Equity Finding H defines *disadvantaged communities* as “... including, but not limited to “[...] (a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; and (b) Areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment” (California Health and Safety Code Section 39711). To that end, BCDC created a mapping tool to identify communities around the Bay that are disproportionately vulnerable to impacts from sea level rise and flooding due to community characteristics including income, race, language spoken, age, displacement/gentrification status, and pollution burden (BCDC 2023b).

As addressed in Section 3.1, although no development is associated with this project, any potential future development would be required to engage in outreach and engagement procedures, depending on the size of the project and potential impacts on vulnerable communities (BCDC 2023c).

The following sections describe each PUA change area and potential impacts related to environmental justice and social equity.

Port of Oakland

The location of the new Oakland Port PUA designation has not been ranked for community vulnerability, although the areas just to the east are ranked as low vulnerability (BCDC 2023b). In addition, there are no sensitive users nearby because no residences, hospitals, senior living facilities, schools, or other sensitive users are located near the site, which is within the City’s Oakland Army Base. Two interstate highways (I-80 and I-880) buffer the new PUA from sensitive users to the east in the City of Oakland. The proposed change areas in Oakland include

one PUA designation land swap that would align with a potential ancillary marine transportation development at the Baldwin Yard location which has been in process well before BPA No. 1-19. The two parcels affected by this change are within a few blocks of each other and are already zoned for industrial uses. Any future projects, such as the planned truck parking and a truck services facility at Baldwin Yard, would be subject to the *Bay Plan's* Environmental Justice and Social Equity policies if the project proposal would otherwise be within BCDC's jurisdiction and subject to BCDC's permit requirement, such that meaningful community engagement and response to identified environmental justice concerns would need to occur as part of any such required permit application process. If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed PUA changes at the Port of Oakland, BCDC staff will evaluate that project for consistency with *Bay Plan* Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Port of Redwood City

As stated in Appendix B, most of the area surrounding the Redwood City Port PUA is a single block group ranked as moderate social vulnerability. In general, the port's location is buffered from the rest of the city by open space, light industrial, and office uses. The proposed change area would likewise be buffered from socially vulnerable communities. Nevertheless, the intensification of port operations that would be expected to result from the potential development of an omni-terminal could cause off-site impacts, possibly including impacts on truck traffic to, from, and along U.S. Highway 101, though as previously discussed at this time such an omni-terminal development is speculative, rather than reasonably foreseeable, and any such project/development-level impacts would not be a consequence as a result of the proposed PUA change, which would align with potential development of an omni-terminal but itself would simply protect future use of the area for port use going forward. Because communities along the U.S. Highway 101 corridor may be vulnerable to disproportionate environmental impacts from sea level rise, the environmental justice analysis as part of any required permit application for a future project like the omni-terminal would likely need to consider potential effects on those communities arising from site-specific development. If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed PUA changes at the Port of Redwood City, BCDC staff will evaluate the project for consistency with Bay Plan Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Port of Richmond

Community vulnerability mapping indicates that numerous block groups within 1 mile of the Richmond Port PUA are ranked as high social vulnerability or higher. The proposed change areas in Richmond are PUA designation removals that would allow, as a matter of local land use planning, non-port priority use development to potentially be pursued at the historic graving docks and the ferry terminal parking lot, though as previously explained any such future developments are not reasonably foreseeable consequences of BPA No. 1-19. Any future projects are speculative as a consequence of BPA No. 1-19 and would be subject to the *Bay Plan's* Environmental Justice and Social Equity policies if the project proposal would otherwise be

within BCDC’s jurisdiction and subject to BCDC’s permit requirement, such that meaningful engagement and response to identified environmental justice concerns would need to occur as part of any such required permit application process. If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed PUA changes at the Port of Richmond, BCDC staff will evaluate that project for consistency with Bay Plan Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Port of San Francisco

In the area surrounding the San Francisco Port PUA, most of the block groups with high and highest social vulnerability are concentrated in the south near Piers 80–96—in and around the Bayview and Hunters Point neighborhoods—with some additional groups just to the north of Mission Rock in the South of Market area. As described in Appendix B, the Port of San Francisco has taken steps to prioritize environmental justice, and environmental justice and equity play a large role in the draft *Port of San Francisco Waterfront Plan* (Waterfront Plan). In recent years, the Port of San Francisco and the Bayview/Hunters Point community have worked together to identify and address environmental justice issues related to the port. The removal of the proposed change areas from Pier 48 and Pier 70 are unlikely to have any indirect environmental impact on a community’s vulnerability to sea level rise, flooding, and associated impacts. The Port of San Francisco’s community engagement infrastructure would provide processes and a forum for identifying and addressing any environmental justice and social equity issues associated with a potential future development in this area, which processes would also be considered when evaluating consistency of the project proposal with Bay Plan Environmental Justice and Social Equity policies if the project proposal would otherwise be within BCDC’s jurisdiction and subject to BCDC’s permit requirement. If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed PUA changes at the Port of San Francisco, BCDC staff will evaluate that project for consistency with *Bay Plan* Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Selby

As described in Appendix B, the Selby Port PUA is located in a block group ranked as high social vulnerability, along with the Phillips 66 refinery, and is adjacent to a block group of highest vulnerability in the Bayo Vista/Rodeo area. In advance of the October 29, 2020 SPAC meeting to discuss preliminary alternatives for the Port PUA maps, BCDC received public comments from community members in Rodeo and Crockett who stated environmental justice concerns around maintaining a PUA designation at Selby, and requested the removal of the site from the PUA designation. The communities adjacent to the refinery are already heavily affected by the operations of the Phillips 66 refinery, and advocates fear that the PUA designation would allow the refinery to expand oil shipping operations to that site and intensify the environmental impacts experienced by the community, though such expansion would not be a reasonably foreseeable consequence of the existing PUA designation, which simply protects future use of the area for port use going forward but does not compel any particular development or project proposal which happens to be consistent with a port use. (In other words, expansion of refinery oil shipping operations could occur regardless of the existing PUA designation and such expansion would

likely be determined as a business function of market demand, rather than due to the existence of the existing PUA designation.) Additionally, they are concerned that development on the slag site or dredging offshore could cause a release of toxic substances, though such activities and potential environmental effects are also not reasonably foreseeable consequences of the existing PUA designation for the reasons previously discussed. . If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed removal of the PUA designation at Selby, BCDC staff will evaluate that project for consistency with *Bay Plan* Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Concord

As described in Appendix B, the Concord Naval Weapons Station is part of an active Army base and is in a block group ranked as low social vulnerability (BCDC 2023b). If and when a permit application is submitted to BCDC for any potential future development proposed or anticipated following the proposed removal of the PUA designation at Concord, BCDC staff will evaluate that project for consistency with *Bay Plan* Environmental Justice and Social Equity policies 1, 2, 3 and 4 at that time.

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project would not have any direct adverse environmental justice or social equity effects.

Part I – Policy Changes

The existing *Seaport Plan* does not address environmental justice and social equity. However, to give effect to *Bay Plan* Environmental Justice and Social Equity Policy 1, which states: “The Commission’s guiding principles on environmental justice and social equity should shape all of its actions and activities,” the update to the *Seaport Plan* incorporates environmental justice considerations throughout existing and new proposed policies of the Plan.

Proposed SPAC Policy 2 would add responsibilities to the SPAC to consider environmental justice and other issues in its decisions as follows:

Proposed Seaport Plan Policy 2. Responsibilities of the SPAC. As a technical advisory body to the Commission, the SPAC should:

- a. *Review general updates to the Cargo Forecast and Seaport Plan.*
- b. *Advise the Commission on issues related to permits or Bay Plan amendments, as described in Seaport Plan policies or as determined necessary by BCDC staff and the Commission.*
- c. *Provide a forum for BCDC, the ports, and maritime stakeholders to coordinate planning when needed.*

The agenda for any given meeting will be driven by current issues and SPAC members' interests but should include regular reviews of port activities and Seaport Plan implementation, reviews of cargo data and the Cargo Forecast, and other topics relevant to the region's port operations (i.e., environmental justice, climate change, and sea level rise).

The SPAC's consideration of issues before it is advisory only. The Commission retains its authority to consider and determine all matters within its jurisdiction. Proposed Policy 3 under 'Preserving and enhancing Port Priority Use Areas' would focus on environmental justice and social equity in adding port PUAs as follows:

Proposed Seaport Plan Policy 3. Adding or Removing Port Priority Use Areas. Requests to add new Port Priority Use Areas should:

c. Include meaningful community engagement and an assessment of consistency with Bay Plan Environmental Justice and Social Equity Policy 4.

Proposed Port PUA Policy 6 would focus on environmental justice and social equity in changing marine terminal uses as follows:

Proposed Seaport Plan Policy 6. Changes to Marine Terminal Use. Ports may shift the use of a Marine Terminal from one cargo type to another provided that the change would improve the region's ability to accommodate the projected growth in cargo, as provided in the Cargo Forecast, and minimize the need for Bay fill. Changes to Marine Terminal Uses that require a BCDC permit should include meaningful community engagement, commensurate with the nature of the request and consistent with BCDC's Bay Plan policies on Environmental Justice and Social Equity.

The proposed *Seaport Plan* update would include a new section on Environmental Justice and Social Equity containing the following three policies:

Proposed Seaport Plan Policy 1. Bay Plan Policies. The Bay Plan's Environmental Justice and Social Equity findings and policies apply to all the Commission's actions and activities. These policies are especially critical in and adjacent to Port Priority Use Areas.

Proposed Seaport Plan Policy 2. Projects to Reduce Air Emissions. Port development that supports the transition to zero-emissions seaports (e.g., shore power improvements or other infrastructure modifications) should be encouraged and facilitated whenever feasible.

Proposed Seaport Plan Policy 3. Regional Collaboration and Seaport Plan Updates. BCDC and the SPAC should explore opportunities to collaborate with the ports, public agencies, and other regional partners to support and expand efforts to address environmental justice concerns. Seaport Plan updates should include equitable, culturally-relevant community outreach and engagement with nearby communities, particularly underrepresented, vulnerable and/or disadvantaged communities.

In short, the *Seaport Plan* update will better ensure that implementation and application of the updated policies contained therein to specific development proposals going forward will identify and minimize environmental justice and social equity impacts as compared to the existing Plan.

Part II – PUA Designation Changes

The proposed Port PUA designation changes for the Ports of Oakland, Redwood City, Richmond, and San Francisco, as well as the proposed removal of the Port PUA designation at Concord, would result in the potential for future non-maritime uses within former Port PUAs. As discussed above, any subsequent use of these areas for non-Port priority uses are not reasonably foreseeable consequences of BPA No. 1-19, and therefore potential environmental impacts on a community's vulnerability to sea level rise, flooding, and associated impacts resulting from such use need not be identified or mitigated for in specificity in relation to the Bay Plan Environmental Justice and Social Equity Policies as part of BPA No. 1-19. Such impacts will be identified and addressed as part of a consistency evaluation with the Bay Plan Environmental Justice and Social Equity Policies if the project proposal would otherwise be within BCDC's jurisdiction and subject to BCDC's permit requirement.

Additionally, the project would remove the Selby reserve PUA and an approximately 9.84-acre extent of wetlands from the Port of San Francisco PUA. However, the removal of Selby from the Port PUA designation is due to the low likelihood that the area will ever actually be used for Port use, removal of the Port PUA designation may also incidentally assuage community concerns about potential environmental impacts resulting from Port uses in an area identified by BCDC as having high social vulnerability to sea level rise, flooding, and associated impacts (by recognizing through the Port PUA designation removal the low likelihood that the area will ever actually be used for Port use). The removal of the wetland area from the Port of San Francisco PUA would de-prioritize fill and development in an area of undeveloped Bay shoreline in the areas of Piers 80-96, which is identified as a community with high social vulnerability by BCDC, which may also incidentally assuage any concerns about environmental justice and social equity impacts resulting from any potential development proposal within this area.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required.

Resulting Level of Impacts

The proposed *Seaport Plan* Update would not have a substantial adverse environmental justice or social equity impact as evaluated in relation to Bay Plan Environmental Justice and Social Equity Policies 1, 2, 3 and 4.

3.6.2.2 Mitigation

Regulatory Setting

Of the 12 Bay Plan policies on mitigation, one relevant to the project. Policy 1 is addressed below and provide a threshold or criterion for determining whether a potentially substantial adverse

effect that may be caused by the proposed project has been appropriately mitigated to a level of less than significance.

Bay Plan Policy 1. *Projects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they should be minimized to the greatest extent practicable. Finally, measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act.*

In order to determine whether the *Seaport Plan* amendment would require mitigation as regulated under Bay Plan Policy 1, the analysis considers the following question:

1. Would the project have an unavoidable adverse environmental impact to Bay natural resources such as to water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or flats?

Any potential future development of port properties subject to the *Seaport Plan*, as amended, would be subject to its own separate entitlement and environmental review process (likely by a local government agency as the CEQA lead agency, with BCDC presumptively acting as a CEQA responsible agency as it typically does), since no ‘on-the-ground’ development-level activity, use, or proposal is part of BPA 1-19.

Further, the Bay Plan’s two primary objectives are to 1) protect the Bay as a great natural resource for the benefit of present and future generations and 2) develop the Bay and its shoreline to their highest potential with a minimum of Bay filling.

Environmental Setting

The environmental setting consists of the Bay environment as previously described in Sections 3.6.1 and 3.6.2.1.

Potential Environmental Impacts

As described in Section 3.1, no ‘on-the-ground’ development-level activity, use, or proposal is associated with this project (BPA 1-19). The project would not have any unavoidable adverse environmental direct or indirect impacts to Bay natural resources and would not require specific mitigation.

Part I – Policy Changes

None of the proposed policy changes in the proposed *Seaport Plan* update would alter the requirements for any potential future proposed development within BCDC’s jurisdiction to be subject to a BCDC permit and any require mitigation for any unavoidable significant impacts to Bay resources consistent with Bay Plan Mitigation Policy 1, as well as other applicable state and local permitting authorities. Any potential future development would need to comply with all

applicable laws and regulations that require the avoidance, minimization, repair, restoration, or compensation for adverse environmental effects.

Part II – PUA Designation Changes

As addressed in Section 3.1, no development is associated with this project. Future development within BCDC’s jurisdiction would be subject to a BCDC permit requirement and other applicable state and local permitting authorities and would need to comply with applicable laws and regulations that require mitigation for direct or indirect adverse environmental effects. Potential impacts to Bay natural resources such as water surface area, volume, or circulation and to plants, fish, other aquatic organisms and wildlife habitat, subtidal areas, or tidal marshes or flats could occur within both former PUA designated areas if those sites are redeveloped with non-port uses as well as newly-designated PUA areas if port-consistent uses are realized at those sites. However, as further explained in Section 3.1, any environmental impacts to Bay resources which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* are not reasonably foreseeable consequences of BPA 1-19. As explained in the ‘Regulatory Setting’ section above, potential environmental impacts to Bay resources which may potentially result from any subsequent development-level activity, use, or proposal following the changes to the Port PUA designations in Part II of the *Seaport Plan* will be identified and mitigated as part of the separate entitlement and CEQA environmental review processes for such projects.

Avoidance Measures

No direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. As addressed in Sections 3.6.1.1 through 3.6.1.5 and Section 3.6.2.1, no direct or reasonably foreseeable indirect environmental impacts are anticipated as a result of the project. Accordingly, no specific avoidance measures are required, including BCDC taking action on any necessary permit application presumptively as a CEQA responsible agency.

Resulting Level of Impacts

The proposed *Seaport Plan* update would not have substantial adverse impacts requiring mitigation as evaluated in relation to Bay Plan Mitigation Policy 1.

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CHAPTER 4

Consideration of Other Environmental Impacts

4.1 Finding of No Substantial Environmental Impact

In accordance with Section 11003(b)(6) of BCDC's Regulations, this section identifies project-related environmental impacts that could not be avoided or reduced to a less-than-significant level with implementation of all feasible mitigation measures, as identified in Chapter 3, *Environmental Assessment of the Seaport Plan Update*. As discussed in Chapter 3, no significant environmental impacts would occur directly under the proposed project. Future potential projects that may be proposed or anticipated in relation to the proposed *Seaport Plan* update (specifically the proposed PUA changes) may have significant secondary or indirect adverse impacts, but any assessment of those impacts and associated mitigation measures would be speculative as a reasonably foreseeable consequence of BPA 1-19.

4.2 Significant Irreversible Changes

In accordance with Section 11521(c) of BCDC's Regulations, this section identifies significant irreversible environmental changes that the project would cause, including those that could result from environmental accidents. Such significant irreversible environmental changes might include current or future uses of non-renewable resources, secondary or growth-inducing impacts that commit future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. According to the CEQA Guidelines, irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. In general, such irretrievable commitments include the uses of resources such as energy and natural resources that would be required to sustain a project over its usable life.

No significant irreversible environmental changes are anticipated with implementation of the project because no development is proposed. As discussed below in Section 4.4, the project is not anticipated to have any substantial growth-inducing impact. As discussed in Section 4.2, the project is not anticipated to have any significant unavoidable impacts. Future potential projects may be proposed or anticipated in relation to the *Seaport Plan* update that could have significant irreversible environmental changes such as future uses of non-renewable resources and future significant unavoidable impacts on natural resources, but such projects and their attendant potential impacts do not constitute reasonably foreseeable consequences of BPA 1-19 for the reasons previously discussed in Section 3.1 above. Project approval does not commit BCDC to any irreversible actions, nor would project approval have any irreversible effects. Because no development is proposed as part of this project, any potential future development proposal otherwise within BCDC's jurisdiction and subject to BCDC's permit requirement would be evaluated by BCDC likely as a CEQA responsible agency and other authorized regulatory agencies, including primary CEQA review

presumptively by a local lead agency, and significant irreversible changes to the environment as a result of such project would be analyzed and mitigated as appropriate at that time.

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CHAPTER 5

Alternatives

BCDC’s regulations for implementation of CEQA, as found in 14 CCR Section 11521(e), as well as Section 11003(b)(6)(ii) pertaining to staff planning reports, require that an EA include discussion of any feasible alternatives that would reduce substantial adverse environmental impacts. Where the EA has found that the proposed project does not have any substantial adverse environmental impacts, the requirement to analyze feasible alternatives per Sections 11521(e) and 11003(b)(6)(ii) of BCDC’s Regulations is not strictly required. However, this section does address the alternatives of No Project (or No Change) and the proposed project.

5.1 No Project Alternative

The No Project alternative represents the existing 2012 *Seaport Plan*’s PUA and terminal designations without any changes. The No Project alternative would mean that the Commission applies current Plan policies and uses existing PUA designations over the planning horizon. Because the 2029–2050 Cargo Forecast (Appendix C) was based on the port priority use designations in the 2012 *Seaport Plan*, it serves as the projection for the No Project alternative.

The No Project alternative would not prevent any one port from developing lands for port uses in the future. However, under a No Project alternative, no additional planned, designated acreage would be set aside for cargo needs through new PUA areas and no redesignation of existing PUAs would occur. All existing PUA areas would be retained, and cargo types would continue to be designated for specific ports and port terminals. Additionally, the *Seaport Plan* policies regulating transportation, dredging, and navigation would remain the same, and the plan would not be updated with policies regarding climate change and environmental justice. No direct environmental effect would occur as a result of the No Project alternative. However, reliance on outdated PUA designations, many of which are for areas that are not viable for port use, may lead to poor and inefficient planning for future port development, potentially resulting in increased pressure to fill the Bay due to the real possibility that currently designated PUA areas will never actually be used for port purposes. Additionally, for the Ports of San Francisco and Richmond, the No Project alternative would result in inconsistencies between the existing *Seaport Plan* PUAs and adopted legislation and regulations protecting historic properties.

The No Project alternative would fail to meet BCDC’s basic project objectives of reflecting changes in BCDC governance structure, streamlining and clarifying requirements, and ensuring consistency with current *Bay Plan* policies and would not reduce or avoid an environmental impact.

5.2 Proposed Project

The proposed policy changes to the *Seaport Plan* meet the project objectives of reflecting changes in BCDC governance structure, streamlining and clarifying requirements, and ensuring consistency with current *Bay Plan* policies. Changing Port PUA designations for the Ports of Oakland, Richmond, Redwood City, and San Francisco and the designated PUA at Selby would not result in any direct project-level, “on-the-ground” impacts. As discussed in Section 2.1.2, most of the PUAs slated for removal could not feasibly be used for the maritime industry because of their location, their historic designations, or the presence of sensitive habitats, or because they were being swapped for larger, better-suited parcels. These areas were not included in the 2019–2050 Cargo Forecast.

The proposed project assumes that the most likely pattern of cargo shipping growth through 2050 is the Moderate Growth scenario. The Moderate Growth scenario does leave open the possibility that the amount of Port PUA would be insufficient in the event of a High Growth scenario, which could theoretically create pressure for more Bay fill to meet the unanticipated PUA demand. If efficiency improvements do not occur as anticipated and productivity does not increase to match the base assumptions, there may be a shortage of available land for terminal expansion. However, a potential shortfall in PUA does not mean that any one port would not be able to meet shipping needs. PUAs do not preclude the use of other areas within the ports for priority uses; they reserve areas for those uses to guarantee availability.

There is the potential for Ro-Ro shortfalls under both alternatives, in any of the evaluated productivity scenarios in the 2029-2050 Cargo Forecast (Appendix C). Many of the sites appropriate for Ro-Ro are also appropriate for dry bulk; using land for one cargo type reduces land availability for the other. Productivity could vary between cargo types, and the Bay Area may not see base, low, or high levels of productivity across all types. Land availability is not the only determinant of capacity. Capacity shortages can be addressed through productivity increases as well, although as discussed at the May 2020 SPAC meeting, productivity increases in the Bay Area would need to address challenges of cost, competition, and environmental impact (BCDC 2020).

Accordingly, the proposed project is the preferred project alternative because it meets all of the project objectives (notwithstanding the caveats above relating to the High Growth scenario and potential Ro-Ro shortfalls under the 2029-2050 Cargo Forecast) and would not cause any significant environmental impact.

CHAPTER 6

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Appendix A
**Draft Seaport Plan Update,
September 2023**



Appendix B
**Seaport Plan Update
Alternatives Analysis**



Appendix C
**2019–2050 Bay Area Seaport
Forecast**

