

Bay Plan Amendment 3-19

Proposed Bay Plan Map Policy regarding the Middle Harbor Enhancement Project

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San Francisco Bay Conservation
and Development Commission

BPA 3-19: How did we get here?



Need for more Bay fill for habitat projects



Limitation on beneficial reuse of dredged sediment in the Bay

- Dredging Policy 11b:

To ensure protection of Bay habitats, the Commission should not authorize dredged material disposal projects in the Bay and certain waterways for habitat creation, enhancement or restoration, **except for projects using a minor amount** of dredged material, until: ... (3) The Oakland Middle Harbor enhancement project, if undertaken, is completed successfully.



Seal Beach thin layer placement (source: US Army Engineer and Research Development Center)

Middle Harbor Enhancement Area



Middle Harbor Enhancement Area
(source: Port of Oakland)

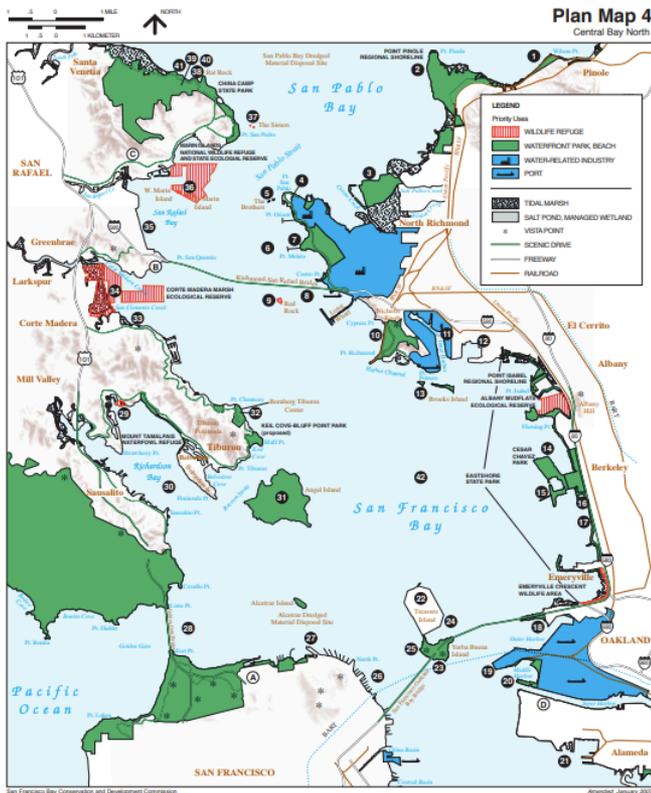
Middle Harbor Enhancement Area Project Status



Key Performance Criteria from 3M Plan	Committed Date of Completion	Current Status
3-5 acre marsh for bird foraging and educational benefits for the local West Oakland community	2012	Incomplete (marsh too low for vegetation)
At least 55 acres of habitat suitable for eelgrass , and 110 acres of other shallow water habitat	2006/2007	Completed in 2016 (approx. 101 ac. suitable for eelgrass)
At least 15 acres of eelgrass habitat	2012	Incomplete (Phase 1 Planting: Spring '19)
New public access beach area that will also provide storm refuge to birds	2003 (part of Middle Harbor Shoreline Park)	Partially complete (safety concerns exist)
4 bird islands for high tide refuge (design totaled 8,890 sf)	2012	Incomplete (only two island groups were built, totaling just 630 sf)
4-8 acres of hard bottom habitat	2004-2006	Complete
Estuarine community of higher productivity than existing. Provide net increase in habitat value	2016/2017	Status not formally assessed
Increased habitat benefits for aquatic birds (esp. least tern colony) by increasing habitat productivity of fisheries with a focus on least tern prey species	2016/2017	Status not formally assessed
Greater number of fish than existing conditions	2016/2017	Status not formally assessed

Why a Bay Plan Map Policy?

- Adds an explicit statement of the need to complete the MHEA
- Plan Map policies are fully enforceable, and have the same authority as the policies in the text of the Bay Plan.
- Plan Map policies are site-specific



- 19 **Oakland Port Area** - See Seaport Plan. Redevelop Outer, Middle, and Inner Harbors for modern marine terminals. Some fill may be needed. No fill that would impair ship navigation should be allowed in any area needed for such navigation.
- 20 **Middle Harbor Shoreline Park** - Preserve industrial character of park. Preserve fishing access, picnic facilities, beach, historic features and community gathering and entertainment venues. Provide interpretation of port operations, historic and cultural factors. Provide non-motorized small boat access. Protect eelgrass beds. Provide health and safety information to anglers. Preserve vistas. Provide signage regarding fish consumption advisories for anglers.

Plan Map policy language preliminary recommendation

- 21. Middle Harbor Enhancement Area – The US Army Corps of Engineers and the Port of Oakland should complete work at Middle Harbor Enhancement Area as quickly as possible to provide the full suite of habitat benefits described in the performance criteria of the MHEA Construction Period and Long-Term Monitoring, Maintenance, and Adaptive Management Program, which have long been delayed.

Policy Options (1)



<ul style="list-style-type: none">• Add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Add Plan Map policy• Amend Dredging Policy 11b
<ul style="list-style-type: none">• Do not add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Do not add Plan Map policy• Amend Dredging Policy 11b

Policy Options (2)



- Add Plan Map policy
- Remove Dredging Policy 11b

- Add Plan Map policy
- Amend Dredging Policy 11b

- Do not add Plan Map policy
- Remove Dredging Policy 11b

- Do not add Plan Map policy
- Amend Dredging Policy 11b

Policy Options (3)



<ul style="list-style-type: none">• Add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Add Plan Map policy• Amend Dredging Policy 11b
<ul style="list-style-type: none">• Do not add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Do not add Plan Map policy• Amend Dredging Policy 11b

Policy Options (4)



<ul style="list-style-type: none">• Add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Add Plan Map policy• Amend Dredging Policy 11b
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Policy Options (5)



- Add Plan Map policy
- Remove Dredging Policy 11b

- Add Plan Map policy
- Amend Dredging Policy 11b

- Do not add Plan Map policy
- Remove Dredging Policy 11b

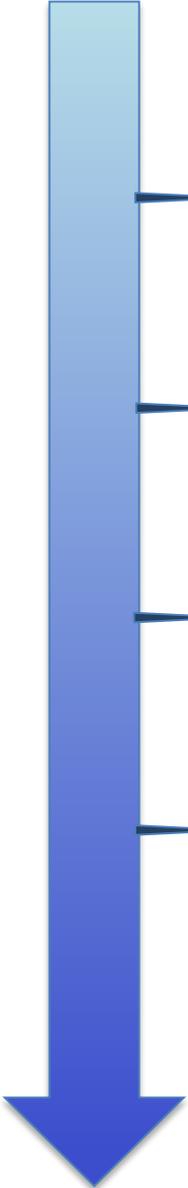
- Do not add Plan Map policy
- Amend Dredging Policy 11b

Policy Options (6)



<ul style="list-style-type: none">• Add Plan Map policy• Remove Dredging Policy 11b	<ul style="list-style-type: none">• Add Plan Map policy• Amend Dredging Policy 11b
	<ul style="list-style-type: none">• Do not add Plan Map policy• Amend Dredging Policy 11b

Timeline for Amendments



August 5: Staff Report for BPA 3-19 mailed

September 5: Initial Public Hearing for BPA 3-19

September 27: Final Staff Recommendations

October 3: Vote BPA 1-17 and BPA 3-19

Public Comment Received

- Save the Bay
- **US Army Corps of Engineers**
- Port of Oakland
- **State Coastal Conservancy**



Questions for Commission Consideration

- Are there any unforeseen consequences of adding a Plan Map policy?
- Should the proposed language be modified?
- Which of these options gives BCDC the strongest ability to ensure that the MHEA project will be completed?
- Will any of these options hinder beneficial reuse of dredged sediment for necessary habitat projects?



Public Comment