

San Francisco Bay Conservation and Development Commission

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June 12, 2020

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Peggy Atwell, Director, Administrative and Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Draft Minutes of June 4, 2020 Virtual Commission Meeting

1. **Call to Order.** The virtual meeting was called to order by Chair Wasserman at 1:02 p.m. He stated: Commissioners, please unmute yourself to respond and then mute yourself again after responding. Peggy Atwell, please call the roll.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners, Ahn, Beach, Butt, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Eckerle, Gioia, Lucchesi (represented by Alternate Pemberton), McGrath, Peskin, Ranchod (represented by Alternate Nelson), Randolph, Sears, Showalter, Spering (represented by Alternate Vasquez), Techel and Wagenknecht. Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego), Department of Finance (Finn), Sonoma County (Gorin), Governor (Alito-Pier), San Mateo County (Pine), Department of Business Transportation & Housing (Tavares) and U.S. Environmental Protection Agency (Ziegler).

3. **Public Comment Period.** Chair Wasserman announced: Before I open the public comment period for items not on the Agenda, I would like to announce that once again we will defer Agenda Item 9 on Legislative Matters to our next meeting as there is nothing to report today given the restrained actions by the Legislature.

Chair Wasserman gave the following instructions: Now I want to again share some instructions on how we can best participate in this meeting so that it runs as smoothly as possible. First, everyone, please make sure you have your microphones or phones are muted to avoid background noise. For Commissioners, if you have a webcam please make sure that it is on so everyone can see you. For members of the public, if you would like to speak either during our open public comment period or during a public comment period that is part of a specific Agenda Item you will need to do so in one of two ways. First, if you are attending on the Zoom platform, please raise your hand in Zoom. If you are new to Zoom and you joined our meeting using the Zoom application, click the Participants icon at the bottom of your screen and look in the box where your name is listed under Attendees and you should find a small



hand to the left. If you click on that hand it will raise your virtual hand. Second, if you are joining our meeting via phone, you must press *9 on your keypad to raise your hand to make a comment. We will call on individuals who have raised their hands in the order that they are raised. After you are called on you will be unmuted so that you can share your comments. Remember, you have a limit of three minutes to speak on an item. Please keep your comments respectful and focused; we will mute anyone who fails to follow those guidelines or, at worst, dismiss them from the meeting. Every now and then you will hear me refer to the meeting "host" — our BCDC staff are acting as hosts for the meeting behind the scenes to ensure that the technology moves the meeting forward smoothly and consistently and they have been doing an excellent job.

BCDC has also established an email address to compile public comments for our meetings. Its address is publiccomment@bcdc.ca.gov. I have received emails from one party that has been shared and posted prior to the meeting. If we receive any emails during the meeting they will be shared with the Commissioners and be made available on our website bcdc.ca.gov along with the public comment emails we already have received.

That brings us to Item 3, Public Comment. It is my understanding that we do not have any submitted requests. But if you do wish to address the Commission on any matter that is not on today's Agenda please raise your virtual hand.

Peggy, do we have any hands raised?

Ms. Atwell replied: Not yet; let's give it a second or two. No hands raised Chair Wasserman.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the May 21, 2020 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of May 21, 2020.

MOTION: Commissioner Showalter moved approval of the Minutes, seconded by Commissioner Wagenknecht. The motion carried by a show of hands with no abstentions or opposition.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Addiego, Ahn, Alioto-Pier, Butt, Gilmore, Scharff, Eckerle, Finn, Gioia, Gorin, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, El-Tawansy, Techel, Wagenknecht, Ziegler, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

5. **Report of the Chair.** Chair Wasserman reported on the following:

a. **Bay Adapt.** Last Friday we held a meeting of the Leadership Advisory group for Bay Adapt. This is a group comprised of leaders of some of our sister agencies, some civic and non-profit organizations who share our concern about the Bay and representatives of a number of social equity and environmental justice groups.

The topic of the meeting was environmental justice and social equity. We heard from representatives of four groups who talked eloquently and movingly about their own stories.

We addressed some general themes about equity and social justice. We conducted a very interesting fashion of discussion in that we broke into very small groups of three people to talk about the issues with some guiding, discussion points.

That was a very successful because almost every group complained when we ended it that they needed more time to keep talking.

It was very sad and symbolic that the meeting was held two days after the very tragic killing that has ignited such protests appropriately throughout our country; not the vandalism but the protests.

It was a very successful discussion and we will continue working with those groups that were participating in the overall Leadership Advisory Group.

b. Appointment. Now for a major announcement: I now have, certainly for me, sad announcement. Commissioner Jim McGrath has taken on the responsibility of Chair of the Regional Water Quality Board and with those additional duties has let us know that he is moving to the Alternate position as a BCDC Commissioner. The Water Board has appointed as its representative Andy Gunther whom many of you know as an eminent scholar and teacher of science and climate change. Andy is very excited to join us and we'll see him at our next meeting and I expect that he'll become as Jim has been although with some different focus.

I want to make a couple of comments about Jim's tenure on our Board which precedes mine. Jim and I first met when I was a Commissioner on the Oakland Board of Port Commissioners and Jim was on staff. The Oakland Commission elevated the environmental unit which he had been working in taking it out of Engineering and making a stand-alone unit because we felt that while we certainly respected engineers they were not necessarily the best ones to represent the stewardship and aggressive actions that we needed on environmental matters.

And Jim took that position. He ran with it. He did superbly well. And we have heard about some of those experiences in his discussions as a Commissioner.

He had brought a great depth and breadth of experience in matters that affect us from his Coastal Commission time to his time on the Port and his perspective as a member of the Water Quality Board. He has brought wisdom and represented the interests of some of the most active users of our Bay who participate on the water whether kayaking or sky boarding and even just boating.

I will miss his strong voice and wisdom. Jim would you like to say anything?

Commissioner McGrath answered: You knew I would. Thank you for the kind words. My role that transcends all of this is spending time on the Bay.

And I will quote David Lewis who for a special on the Bay decided to present himself in a kayak. And he said something which should resonate with us all. How can you be on the Bay and not love it?

I've been on the Bay 54 days so far this year. With that I've appreciated my time and the ability to change and help Barry and Zack change our policies towards fill recognizing that the sub-surface Bay is as important to habitat and resilience as what we see and help put in place a set of policies.

I will remain trying to align our mitigation policies so we look at our systems as landscapes and in a larger sense and not as little, individual pieces. I will remain as an Alternate.

Now I want to turn to Any Gunther. I am giving you somebody who is a much better scientist and technical person than I am. He is younger and he plays guitar too. I think he shares my passion.

I will tell you my orientation. When I was first appointed and BCDC was going through a Bay Plan Amendment, Andy was one of four people that I invited to my house to give me advice on how to approach climate change. So that is what I think of him. It is a pleasure and an honor to be able to appoint him in my stead. He will do us all proud.

Chair Wasserman continued: Thank you. And I would note that Jim will continue to serve on the Bay Fill Committee as well as other parts of BCDC. He is not disappearing entirely by any means.

I don't have a lot to say today about climate change and rising sea levels. As I mentioned when I talked about the Bay Adapt meeting and the focus on equity; beyond the pandemic which we know does not affect everybody equally and has impacted vulnerable communities and communities of color more seriously than other parts of our communities – I take a sad pride in the fact that we have adopted the Amendment on social equity and environmental justice.

And the things that we consider there as they ripple through everything we do are in some respects far removed from police violence and racism and the kinds of forces that led to the killing of George Floyd.

But on another side they are all connected because it makes us think about what we do individually and institutionally in all our actions. And that kind of reflection and actions at a very deep and serious level will continue.

I have over many years probably been too optimistic about race relations in our country. But I do have a hope that George Floyd and the others over a long period of time in some important sense of time and place he will not have died in vain; that there will be significant, institutional changes that come.

They will only come with the kind of protests, peaceful protests, in the streets that we have seen. I don't think the violence helps. But the peaceful protests, unfortunately, are necessary and will help.

And I think that we all need to keep in our minds as we focus, not simply or even particularly on BCDC matters, the changes that need to be made throughout our public and private institutions.

c. **Next BCDC Meeting.** Our next meeting will be held in two weeks on June 18th. That meeting also will be held virtually and the Agenda likely will include:

(1) Consideration of, and a possible vote on, an agreement to terminate the current settlement agreement governing the development of a portion of Harbor Bay Isle in Alameda.

(2) Consideration of, and a possible vote on, the Ocean Protection Council's policy principles regarding how California's state government will lead and assist others as they lead rising sea level adaptation efforts.

(3) A briefing on our staff's development of guidance for implementing our climate change policies.

(4) A briefing on sand mining.

(5) And, if we need to do so, potentially we shall consider various pieces of proposed legislation and vote on a position.

d. **Ex-Parte Communications.** Commissioners, this is the time to make any ex-parte communication reports in case you have not done so in writing keeping in mind that you do need to do so in writing and these are on adjudicatory matters although you may report on policy matters as well if you wish. If any Commissioner wishes to make an ex-parte report at this time please raise your hand.

Ms. Atwell stated: No hands raised.

Chair Wasserman continued: That will bring us to the Executive Director's Report.

e. **Executive Director's Report.** Executive Director Larry Goldzband will now present the Executive Director's report.

6. **Report of the Executive Director.** Executive Director Goldzband reported: Thank you very much Chair Wasserman.

Many of you have seen the photograph in my office taken inside a California Air National Guard troop transport on April 30, 1992 as it flew down to Los Angeles. That was the second day of the Rodney King riots. The late Mayor Tom Bradley had requested Governor Wilson to declare an emergency and deploy the National Guard just a few hours earlier. I helped staff the Governor for four days as the City burned. I met relatives of some of the 63 people who were killed and I learned from soldiers of California's National Guard and the U.S. Army as they restored some kind of order. That violence took place 27 years after the Watts riots and 28 years before what we have seen nationally this week. Eight years ago, during my

second interview with some of you for this position, I said what I have said many times – that I failed the Governor during the next year because those of us who were charged to find a remedy for the causes of that violence did not do so. I was taught early in my policy and political life not to take attacks and defeats personally. In this case, I cannot do that.

So, I want to ask each of you a question today: what can BCDC do to be part of a concerted effort by the Newsom Administration to disrupt systemic racism where so many policy makers have not? We help protect and develop a tremendous natural resource and BCDC has ensured over fifty years that a huge amount of real estate is devoted to public access. The Commission is justifiably proud of its new environmental justice and social equity policies that were approved after the Commission openly acknowledged its past. How can those two observations be a start? How can we help lead this process? I have asked our staff to start brainstorming about possible answers to this question and we shall report back to you this summer. Meanwhile, I want to ask you, as BCDC Commissioners, to report back, as well.

a. **Budget and Staffing.** Given that the Newsom Administration has directed state organizations not to work within their downtown offices, today marks one of the more tangible examples of how we have made lemonade out of the COVID-19 lemons – we would have had to cancel this important Commission meeting if we had not already learned how to manage it virtually. That being said, meeting virtually is more expensive than meeting in person. And we do not expect the state to increase our budget to compensate us.

Because we are about to begin the summer, we are bringing on some free help. First, we have two new legal interns to assist Marc, Karen and Michael; their faces are somewhere on the checkerboard in front of you. Both are second year law students. Katie Lindsay is studying at U.C. Hastings after graduating from Cal with an undergraduate degree in rhetoric and a minor in public policy. Yet another Golden Bear. Keir Negron is at Harvard law after earning his undergraduate degree as a Banana Slug from U.C. Santa Cruz. I imagine that there are staff caucuses for these two schools. In addition, BCDC is taking on eight – yes, eight – graduate students in Cal’s Masters of City Planning program as research assistance for our planning and regulatory staff. They will explore various topics related to public access, environmental justice, Suisun Marsh and Bay Adapt. I should say that this is another tangible product of working remotely – we could never have housed eight graduate students full-time at 375 Beale Street.

b. **Policy.** First, I would like Marc Zeppetello to give you a brief update on the Trump Administration’s changes to regulations implementing Section 401 of the Clean Water Act.

Chief Counsel Zeppetello addressed the Commission: Good afternoon Commissioners. In August of 2019 EPA proposed amendments to its regulations for implementing the water- quality, certification process under Section 401 of the Clean Water Act.

In October of that year BCDC submitted a comment letter to EPA and the State Water Board also submitted a comment letter. The gist of those letters was that this process is really not broken and that EPA ought to address rulemaking but if it was going to move forward BCDC and the Water Board submitted a list of detailed comments.

On June 1st the EPA Administrator signed the final rule and based on my preliminary review the Agency pretty much adopted the rule as proposed. It has not yet been published in the Federal Register.

But I did review a copy we got from the EPA website and will highlight a few of the aspects of the amendments. One of the things that we commented on was that the proposed amendments failed to recognize the inter-relationship between review of federal activities or federally-permitted activities under the Coastal Zone Management Act and the Clean Water Act. And the final rule doesn't recognize that relationship either.

One of the changes that EPA is adopting is that it allows the federal agency to give the state a reasonable period of time to certify under Section 401 not to exceed one year.

And in a change from current practice where the certification process runs from when the state agency finds the application complete – under the new rules the timeframe will begin to run when the certification request is submitted.

So this is a recipe for possible conflicts or constraints between the Water Board acting under Section 401 and BCDC having to issue a permit or issue a concurrence in a consistency review.

The central modification that EPA adopted was to refine the scope of certification under the Clean Water Act. The current system, which is based in part on the agency practice but also on a Supreme Court decision from a few decades ago, was that the state could impose conditions to ensure that an activity associated with a discharge complies with or does not violate state, water-quality standards.

The new amendments adopt a dissent opinion in that Supreme Court case to limit state review to conditions that will assure that the discharge will not violate water-quality standards.

And although I am speculating here – an example that comes to mind is that my understanding is that there has been a disagreement between the Regional Board and the Corps of Engineers about whether the Water Board can regulate the manner of dredging - i.e. hopper dredging versus clamshell dredging as opposed to the discharge – i.e. the disposal of the dredged material.

So it is certainly possible that the Corps could take the position that these new amendments limit the Water Board and prevent it from controlling or imposing conditions on the manner of dredging.

Of course, BCDC would still retain the authority under the Coastal Zone Management Act to control the manner of dredging if that is warranted to ensure consistency with policies of the Commission's Coastal Zone Management program.

Another aspect of this change in the scope of certification – apparently a number of states have used Section 401 to require public access or to require bike trails or other amenities in a project. The amendments clarify that state law can only be used to impose conditions, if necessary, to ensure that the discharge itself complies with water-quality standards.

And finally, the new amended regulations establish detailed requirements for what a state needs to do if it certifies with conditions or denies the certification. If the state certifies with conditions it must explain why the conditions are now necessary to assure compliance and provide legal authority for imposing the conditions or if the state denies certification the state must identify the specific, water-quality requirement with which the discharge will not comply and explain the basis for that determination or if the state concludes that there is insufficient information the state is required to identify what information it would have needed to find compliance.

And the follow-on to all of that, the regulation appears to give the federal agency the authority to decide whether or not the state has met those requirements and if the federal agency decides that the state has not met those requirements the federal agency can find a waiver of the certification.

So certainly BCDC counsel will further review this rulemaking and it may be warranted to have some discussion among the staff of the Water Board and BCDC to try to work out how we can work together to minimize the possible consequences of this and move forward in the best way possible.

So that concludes my summary. I'd be happy to try to answer any questions but otherwise I will turn it back to you Larry.

Executive Director Goldzband continued: We will get back to you because I am assuming we will be working with the Water Board staff and we will get back to you with an update when we have one.

Each of you will receive an invitation this month. We will be co-hosting a Financing the Future Workshop with the Regional Water Quality Control Board on July 8th in the morning. The workshop will explore the needs of those organizations that require long-term financing for adaptation projects and the attributes of organizations that can provide such financing. The Water Board's Executive Officer, Mike Montgomery, has a great deal of experience in developing public-incentive programs and we hope that we can begin to match the supply of and demand for such financing. The workshop will be brought to you through Zoom.

I want to let you know that the newly-revised Bay Plan is now on the Commission's website. We had to wait until we received all the approvals required from the California Office of Administrative Law and NOAA – I'll send the link to you as part of my meeting summary this afternoon.

Finally, I want to take a couple minutes to brag about BCDC staff. Early last week we learned that the Newsom Administration is requiring five percent of California state workers to volunteer or be selected as contact tracers. Contact tracers work with individuals who have been diagnosed with COVID-19 both to learn about the people and places they have exposed to the virus during a previous period and to direct them to available public services. I did not want to coerce much less force two staff members into this duty. But I am very thankful that six BCDC staff members volunteered for this full-time, six-to-nine-month job. Of those six, I selected Ethan Lavine of our permitting crew and Matthew Trujillo of the enforcement team. I made those decisions based upon the myriad ramifications of their long-term absences from

BCDC. When Ethan is trained and assigned to the county, public-health departments for this work we shall promote Rebecca Coates-Muldoon temporarily to manage the Shoreline Development Permitting Team. In addition, we learned late this morning that Matthew has already been assigned for training which is being conducted through some kind of Zoom or virtual manner by the University of California at San Francisco Medical School. That being said, Permitting and Enforcement will simply be one person short as Ethan and Matthew take on their temporary responsibilities.

That completes my report Chair Wasserman and I'm happy to answer any questions.

Chair Wasserman asked: Please raise your hand if you have questions for Larry.

Ms. Atwell announced: No hands, Chair Wasserman.

Chair Wasserman replied: Thank you.

7. Consideration of Administrative Matters. Chair Wasserman announced: That brings us to Item 7, Consideration of Administrative Matters. We received an Administrative Listing mailed on May 29th. If there are any questions Brad McCrea is somewhere in the cue. Again, raise your hands if you have questions for Brad on the Administrative Listings.

Ms. Atwell stated: No hands, Chair Wasserman.

Chair Wasserman replied: Off scot-free again.

8. Briefing from California Natural Resources Agency. Chair Wasserman moved to Item 8 and announced: That brings us to Item 8 which is a Briefing from the California Natural Resources Agency. I want to introduce Dr. Mark Gold, the Director of the California Ocean Protection Council and Deputy Secretary for Ocean and Coastal Policy for the Natural Resources Agency. Dr. Gold has a tremendous history of working on behalf of California's coastal zone and he has worked closely with BCDC and the other two California coastal zone agencies since his appointment. Mark was the first staff member hired at Heal the Bay in Los Angeles and he came to the OPC from his post as Associate Vice Chancellor for Environment and Sustainability at UCLA where he earned his undergraduate and graduate degrees.

Dr. Gold is with us today to discuss the OPC's recently adopted set of principles that the State of California will implement as we all face the challenge of rising sea level. These principles provide guidance on the use of best available science, adaptation targets, partnerships, communication and local government support. They also emphasize the need to prioritize early protection and capacity building for our most under-resourced and vulnerable frontline communities as a step toward achieving greater social equity and environmental justice. Overall, the principles provide increased clarity to BCDC's existing Bay Plan climate change policies that were adopted in 2011.

Each of you was provided with a copy of those principles as part of your meeting packet. The State Lands Commission and the Coastal Commission have approved resolutions in support of the principles and I am sure that Dr. Gold will ask BCDC to do likewise at our next meeting.

Before he does so, however, I want to thank him for sponsoring the recent workshop hosted by the Resources Agency, CalEPA and the State Controller. Its purpose was to begin socializing those principles statewide so that the seventeen different organizations that contributed to their development and will be affected by them will begin to implement them in a consistent manner. The workshop attracted about 150 staff from those agencies and their departments. BCDC was pleased to consult with the OPC on the best way to organize, host and administer the workshop.

Just as important, and the last thing I'll say before I ask Mark to speak, is that the Agency Secretaries and the Controller kicked off that workshop by noting the importance of several policy considerations including: increasing our speed when it comes to meeting the challenge of rising sea level; focusing on bottom-up planning; paying attention to infrastructure; promoting available and new financing structures; and increasing public education. I am pleased that BCDC is accomplishing all of those tasks in both planning and regulatory contexts.

Dr. Gold, you have the virtual floor.

Dr. Gold presented the following: Thank you very much Chair Wasserman for that very generous and thorough introduction. I think you covered all the bases.

First of all, I really want to give props to BCDC and a lot of your partners within the Bay Area for leading the entire state on sea level rise adaptation.

There is no question that the Bay Area is definitely ahead of the rest of the state. It might not be going fast enough for you but it is definitely teaching the rest of the state on what needs to be done on sea level rise.

So whether it is your Adapting to Rising Tides effort or your ongoing Bay Adapt efforts; it is really showing us the way. I wanted to thank you for that.

Now the genesis of these principles – I am just going to have the one slide – it came from your coastal colleagues. There were four different Coastal Commissioners that expressed a level of frustration that they were out there on a limb making decisions on sea level rise one, coastal-development permit at a time which is not the way to plan for sea level rise and make California's coast resilient.

The meeting was with Secretary Crowfoot and others. And based on that discussion it became clear that just the simple act of convening with the 17 different agencies and getting Secretary Bloomfield involved as well was something that was really going to make a big difference.

So we brought the 17 agencies together including BCDC. We just met two times which I thought was going to take the better part of six months or more. But what we found was that all the various different agencies were experiencing similar sorts of problems.

Everybody was dealing with sea level rise in their own way. We at the Ocean Protection Council were providing the scientific guidance through our Sea Level Guidance which was completed in 2018. But from the standpoint of how do you actually apply that guidance or how do you actually build in resilience on a day-to-day basis in decision-making if you are at Caltrans or the Office of Emergency Services or the Office of Planning and Research or the State Lands Commission et cetera?

There really had not been much in the way of coordination across multiple agencies. I really want to praise the leadership of the two secretaries in just the simple act of convening us. It was the most critical part of this entire effort.

Not surprisingly, BCDC represented by Executive Director Goldzband and then Sam Schuchat for the Coastal Conservancy and Jack Ainsworth at the Coastal Commission – you guys have been working on this for well over a decade. The fact that those agencies were onboard when it came to the principles and developing the principles was really not a surprise to any of us. What was the surprise was how quickly we were able to get the buy-in from those agencies where coastal resource management, coastal management is just not part of their core mission but just the understanding of really how important and critical it was for their work to move forward.

So with that I know you've seen the principles and as you can see on the screen they are quite simple. And we didn't try to push the envelope in any extraordinary way. We were really trying to get some degree of consensus on what was going to be an internal-facing document but people from all the various, different agencies felt so good about what we put together that they wanted them to be more external-facing. But the original intent was to guide people at the staff level on utilizing these sorts of principles in their day-to-day work.

A commonsense thing like developing and utilizing the best, available science, the controversial part which takes way too much attention is – what does that mean? We did spend a great deal of time in our Strategic Plan to Protect California's Coast and Ocean 2020 to 2025.

We had a target, it is not a standard, it is not enforceable – let's try to make the entire coast of California resilient to three and a half feet by 2050.

And we talked a fair amount about the derivation of that. Right now I feel like that is taking way too much of our time, is the three and a half feet, which was just to make it simple; it really fits into the upper end of what you would expect as a likely outcome by 2100 for the state and then applied with a 50-year margin of safety because these are building projects that are not made to last just a few years. They are made to last a half century or more.

But best, available science is a lot more than three and a half feet. And I want to emphasize that part. We need to take into account King Tides and storms which anyone working at a port or a marina has to take into account on a regular basis as well.

And then the other thing is that this best, available science gets updated every five years by the Ocean Protection Council.

On building coastal-resilience partnerships on the examples of what you have been doing here in San Francisco Bay best-in-class example of resilience partnerships in moving forward with Bay Adapt and the extraordinary work that went into Adapting to Rising Tides is commendable.

And I would also add that this also fits as much on supporting local leadership and addressing local conditions. Everyone was aware that this is not a one-size-fits-all approach for the entire state.

We are talking about resilience solutions in the Delta that are certainly not going to be the same as resilience solutions in the Port of Los Angeles. That really needs to be taken into consideration.

In the less-developed North Coast you can use nature-based solutions a lot more readily. BCDC is leading the way on how do you balance this preference for moving forward using nature-based solutions as your preference but understanding that sometimes gray infrastructure is indeed needed to provide resilience.

Our communications on coastal resilience and sea level rise has been nothing short of “poor.” I think that is something that we all need to change. All too often people in the state of California read about sea level rise in a manner when we are talking about managed retreat and some individual homeowner somehow is going to be forced to leave their home and then it turns into a property-rights issue.

That is not what really should be driving these discussions. It should be lots of iconic places like our favorite beaches that really make California the state that it is. Loss of wetlands from sea level rise is another key thing.

And then another area that BCDC focuses on so much is infrastructure itself and on how much infrastructure we in the state of California have that is extremely vulnerable to sea level rise and, of course, the Bay with all the development along the Bay makes that crystal clear.

And this is what we need to focus on regarding the communications side. That is not really the dialogue that has been out there at the Coastal Commission and in the media and that needs to change.

The alignment was one of the big issues of getting everybody together to begin with. That is something that we are all moving forward on by having these convenings.

And then lastly, this is something that I was really excited about but with the economic crises we may be taking a step back here is really working together on trying to put together coastal-resilience projects, getting funding from the state and federal and local agencies, making sure that we are getting the most bang for the buck there in doing so and working together on that.

I think that day will come. I’m not certain what is going to happen. Obviously this legislative session we will find out in the next few weeks.

But the Climate Resilience Bond probably will not be in the form that it is now. It will probably, if it does go forward at all, really be more of an economic, stimulus package that will include some of the green-infrastructure projects that are near and dear to some of us.

So that is what the principles are all about. Just putting them together is one thing; making sure that they actually make a difference is really where the hard work is. And to that end we haven't convened because we want to make sure that the workshop was there to start socializing the principles as much as possible.

The next step is we need implementation meetings of the same 17 entities and talking specifically about how are we best going to implement each and every one of these principles in everybody's day-to-day work?

Hopefully we will have a meeting on that in July. It will be very, very focused on outcomes and how do we make that happen.

Lastly, since there has been a great deal of discussion on the social and environmental justice issue – I do want to bring up one point that part of the Strategic Plan for the coast and ocean but it is also something that I hope may be in the immediate future we can work on together at the OPC with BCDC and probably DTSC and the Regional Board is that there really needs to be an inventory of those toxic sites that are along the Bay Area –and frankly, to the whole state of California that we understand which ones really are vulnerable to sea level rise. And the sooner we do that the better to really understanding where those toxic sites are, what the potential impacts are to those communities so that we can move forward. And this to me is probably the most critical, social-justice component of the application of these sea-level-rise principles to get going on right away.

And with that I would be more than happy to answer any questions you have. It has really been a pleasure working with BCDC in this arena and I really look forward to that continual, collaborative relationship. And Jenn Eckerle has represented the OPC incredibly well on this Commission and she also was instrumental in putting together these sea-level-rise principles along with staff from the Coastal Commission. Thank you.

Chair Wasserman asked: Thank you Mark. Before I turn to Commissioner McGrath – are there any members of the public who would like to comment?

Ms. Atwell stated: No hands raised.

Chair Wasserman recognized Commissioner McGrath: Commissioner McGrath you have the floor.

Commissioner McGrath commented: Thank you. It is nice to say “hi” to Mark. I've known him since he was at heal the Bay and we were working on the Southern California restoration issues.

And I appreciate your recognition of BCDC's leadership. I wanted to provide a direct response to the comment you made about toxic waste sites because I want to give props to BCDC staff and to the environmental justice community here in the Bay Area.

At the very earliest workshops about six or seven years ago this was an issue that was raised by them and the next week I went back to our Executive Officer at the time, Bruce Wolfe, and I said – you know, we weren't planning for sea level rise when we did remediation at these sites; we need to start. And he started right then.

So we didn't have to wait for Board action or Commission action. This has actually been underway in the Bay Area for some time. And so with the review of sites that which we do about every five years resiliency and their ability to respond to sea level rise and have an operational piece in place has been policy. And I have to give credit to BCDC and the environmental justice staff.

Now you can all fault the Regional Board or me in particular for not being the best at promoting these things. I've always been better at doing things than self-promotion although we may find different opinions on that.

But I agree with you and I just want to note that some of us have been doing it.

Dr. Gold responded: You know Jim that is really music to my ears. Whether it is you or whether it is Larry or whoever you think would be most appropriate to put us in the right direction; that would make things a lot easier to be able to say – look, the Bay Area has already done this, this and this and so what is the issue of expanding this to cover the entire coast of California?

And we may find that there are certain sites that were former, toxic sites as opposed to operational facilities that pose toxic risks that were not intentionally included, I don't know. We will see based on what gets sent to us.

There is nothing better than having a good starting place to build off of. And so that is really great to hear, thank you.

Commissioner McGrath continued: So Mark I will tell you a funny story. My first days at the Port of Oakland I was asked to make decisions about a state Superfund Site and the Port of Oakland was worried about having to do sidewall containment on a site that is right next to Coast Guard Island.

So I've had a discharger's view of making sure that these things were done and were resilient. But the funny part of the story is – the cost of doing sidewall containment for that landfill and that remediation project was about \$350,000, and the Port of Oakland spent about a half million dollars trying not to do it.

So, it is the right thing to do. Part of my orientation since I have been doing this for over a decade – we are on it and I'm glad that the rest of the state will be on it too.

Dr. Gold stated: That is great. Let me remind everybody that a Heal the Bay alum is Brenda Goeden who works at BCDC on containment and sediment. I've known Brenda since she was right out of school.

Commissioner Showalter was recognized: I was really glad to hear you say that you recognized the problem with making development decisions one project at a time.

I think that really is very important. And it is not something that we can expect the projects themselves to fund. That needs to be funded by science that is done at a higher level like by the states or consortiums or someday maybe the feds (laughter).

But I can't emphasize how important funding for those investigations really is. All of us would be happy to hear if there is anything we can do to make that happen.

Dr. Gold replied: You know I was a hell of a lot more optimistic about that a couple of months ago than I am today.

All you have is our promise from Jenn and me that it is one of our highest priorities. As Larry knows we spent a huge amount of time on working with the Senate Pro Tem on SB 1100. That would have had a tremendous impact on funding as well as coastal planning and with an understanding that there is more to coastal planning than one coastal, development permit at a time or ever one local coastal planner (LCP) at a time.

Sometimes it makes more sense to be regional. Sometimes it makes more sense to do things by city. And taking into account local planning, local conditions and how to go about doing that is critical.

We were really excited about it because it would have included a vulnerability assessment on infrastructure and all sorts of different things. I feel like we hit "pause" on it but it doesn't mean that it is not going to happen.

The earliest that can move forward is next year. This is not going to be a year for policy legislation in a meaningful way on the environment. Let's be realistic. There might be a couple of bills here and there.

But you are right. This is not something that you can expect the development community to pull off all by themselves or the regulatory community or local government. It really has to be a partnership all the way up from and including the feds someday hopefully in really helping to make this work.

Commissioner Nelson gave kudos: Thank you for your comments and your work and the work of your colleagues that is so incredibly important and the Commission and our Working Group are proud to be a part of that.

The principles you just outlined make sense but I do have a concern I wanted to flag and ask for your thoughts about. It is in regard to environmental justice. And thank you for your comments about toxic sites around the state.

The Chair mentioned the Commission's adoption of environmental justice amendments. And we've been going through a process over the last couple of years of educating ourselves and thinking about those issues. And certainly the issue you raised about toxic waste sites is an important one but it is also clear that around the Bay and certainly up and down the coast it is over time going to be critical that we spend a lot of time making sure that all of our communities, wealthy or not, advantaged or disadvantaged – are making progress in adaptation in a way that is equitable.

And in order to achieve that, but also for other reasons, it is important that our process be explicitly designed to facilitate the involvement of those communities.

Do all of those issues fit in the principles that you just outlined for us? But especially in the context of the unrest going around our nation today and Larry's comments in his opening statements about what we can do to advance social justice; it troubles me that this issue is not flagged as a separate issue in those principles. I just wanted to flag that and invite your thoughts.

Dr. Gold answered: First of all, I think this is the first time Barry and I have talked about something that is not water supply for the state of California. So I appreciate that Barry.

You are absolutely right. And we spent a little bit of time talking about this – whether or not we have a separate environmental justice principle or whether we integrate that language across all of the principles.

And there was consensus across all agencies to do that across the board. That being said, just daylighting these principles has led to further examination of them.

One example of the inadequacy in the principles was that there was a member of the public at the State Lands Commission as well as at the Coastal Commission – she had participated in both of those meetings where she was asking about the Tribal Counsel and making sure that they signed off on this as well. We are in the process of trying to do that but if you have any suggestions how to improve the language; this is a living document. What we are saying is – it is not a statute, it is not fixed policy; so we can get better.

And so if there are strong recommendations on how to outwardly deal with the environmental justice issues and social justice issues, front and center – I think we are open to it. And so we'd love to hear guidance on that.

But just to let you know it wasn't that it was not discussed. You see language throughout all of the principles but we decided to not give it its own principle because there has been a history of marginalization of the issues when you put it in just one place.

And I can tell you that when I was working at U.C.L.A. I worked with numerous social justice issues and the County of Los Angeles put together the best in class that I've seen, sustainable county plan that just passed last year. And it is the first time where I've really seen equity co-equal with environment in any sustainable county plan.

And we spent 30 hours on this issue. And at the end of the day we decided that really making sure, and this was Liberty Health Foundation which is the premiere environmental justice funder in the Los Angeles region that was a partner on a project, that is was more important to spread across rather than just put it into one specific area.

So there is no right or wrong there but that is the thinking behind that. I hope that helps.

Commissioner Nelson stated: That does help and I certainly recognize the two sides of the coin here; the risk that if environmental justice issues and social justice issues are listed as separate issues that it somehow becomes marginalized – the corresponding risk is that it is important that documents be written in a way that makes it clear that it is intended to be integrated into the whole program so that it doesn't look as though it has been overlooked even if it hasn't been.

Dr. Gold replied: And I think the right answer is that it shouldn't be either/or. We should just do both. At this point why even leave that to chance? So why not spread it across the principles and have a separate item as well?

Chair Wasserman commented: I too want to thank you very much for the presentation and the work of the groups that have put this together.

I would support your last comment in response to Barry. Both having it ripple through all of the elements but also standing one on its own is important perhaps symbolically but symbols are important in fact.

I think it is very productive and very important that you and your colleagues have pulled together these 17 agencies. I do think that having a statewide cooperation and communications, and to the extent that it makes sense, standards of implementation are very important. Having said that, there are some differences about the Bay Area from the rest of the coast. And I think those need to be recognized as well.

First of all, the impact of rising sea level on the Oakland Estuary and the Delta are quite different than most of the rest of the coast.

Two, as I know you are well aware, the Bay represents one-third of the total California coastline but in terms of density of built environment it probably represents more than half. I've not seen that statistic so it is a guess.

But the difference between most of what the Coastal Commission deals with and what we deal with is really quite dramatic. And one indication of that is that while we need to do much, much more about communication and many of our Commissioners are probably tired of my talking about education and communication; at the same time we have had a number of very good articles by John King of The Chronicle on the impact of rising sea level and what we are doing. And we've had a very good beginning of a television documentary on those issues as well.

I'm not asking you to change these principles. My guess is if you did a survey on what coastal resilience means most people would talk about the kinds of resilience that the Coastal Commission deals with. That is very different than what we are dealing with in terms of protecting areas like the Hayward Shoreline and areas of Contra Costa and Richmond and to some extent even the San Francisco Embarcadero and the edge of the Estuary along Oakland.

So my point is that standards are very important. Statewide cooperation is very important. But the efforts also need to recognize that there are different circumstances in different parts of the state and quite significantly different parts of the Bay Area.

Dr. Gold replied: The good news is that you have an OPC person on your Commission and Jenn and I talk about five times a day. So I do get a really good explanation of what is going on here at BCDC and I sit on the Coastal Commission as an ex-official member.

I think what is different about this Administration, and I hope everybody is embracing it, is that it is all about communications and transparency and convening when it comes to anything with Secretary Crowfoot. There is never going to be anybody more accessible, more open-minded and willing to have a conversation about things like one size should not fit all. And that has been great because it has enabled me to do my job a heck of a lot without looking over my shoulder knowing that the support is there.

And Larry is now talking about three or four times a week now too. I think things have changed an awful lot. I understand where you are coming from. We have the same issues with Delta Stewardship in that we understand three and a half feet at Delta Stewardship – I can't even imagine what that would look like.

It is basically a dyed-in issue in how to deal with things and we understand. We have a very complicated, complex coast with different governance systems, different degrees of density, different ecological values, different recreational values and those need to be taken into consideration. So we hear you loud and clear.

Chair Wasserman replied: Thank you very much for that. And I want to acknowledge another difference that we observed in this Administration. It is talking across the board much more about adaptation than was discussed before – not to diminish mitigation. But adaptation is important as well for our survival.

Dr. Gold added: I think that is a great point. The professor in me has been talking to students in many classes over many years saying California is best in the world, is best in class when it comes to mitigation but it really feels like we are finally moving together as a state on the adaptation side and really taking it a heck of a lot more seriously which we didn't really do for 20 years.

And so it doesn't mean the Bay wasn't ahead of a lot of the rest of the state on adaptation but, as a whole, it is definitely an area of improvement which has become a huge priority for this Administration.

Chair Wasserman continued: Thank you very much for those remarks and your remarks overall and more importantly your efforts.

There is no further action on this item. As I mentioned earlier, we have no legislative matters to discuss so we will move to Item 10.

9. Briefing and Potential Vote on Pending Legislation. (No pending legislation was considered)

10. Briefing on EJ Implementation. Chair Wasserman stated: We will now move to Item 10 which is a briefing on how BCDC is beginning to implement our environmental justice implementation. Nahal Ghoghaie will present the briefing. Before that we will hear from Commissioner Eddie Ahn the Chair of our Environmental Justice Working Group.

Commissioner Ahn commented: Good afternoon everyone, Eddie Ahn again, Chair of the Environmental Justice Working Group serving alongside with Commissioners Pemberton, Vasquez and Showalter. There are three things to highlight. One is the Community Mapping tool which will be discussed more in depth but it showcases the extraordinary amount of work that BCDC staff has put into identifying vulnerable communities that we should be focusing on for the purposes of implementing our environmental justice process at BCDC. The second thing is education efforts. Nahal will go over a number of different things done by staff ranging from conducting webinars with Nuestra Casa as well as the Bay Adapt Plan which is new BCDC-led, regional, planning process around a larger EJ group coalition of four other CPOs. And finally, shaping future permits and projects is where the rubber hits the road on all of this. And that will include a CPO permit applicant matching database as well how specific, future projects that are before this Commission will be shaped by our implementation process. And with that I will leave it to Nahal to take away with the presentation.

Ms. Ghoghaie presented the following: Thank you, Commissioner Ahn and Chair Wasserman and good afternoon Commissioners. Chair Wasserman's words at the top of the meeting regarding George Floyd's death not having been in vain made me recall the powerful words from his six year old daughter. In a viral video she proclaimed: "Daddy changed the world." What a wise, emotionally resilient and compassionate child. I'm sure Mr. Floyd was a wonderful father.

Today I'm excited to update you all on the work staff have been doing to implement the Environmental Justice and Social Equity Policies and how we've been developing an EJ program since I started in my role as EJ Manager at BCDC back in early December of last year.

I want to start by thanking the Commissioner EJ Working Group members who provided excellent feedback on today's presentation and with whom we'll continue meeting to ask for support and guidance as we continue building out this brand new environmental justice program.

Today's briefing will provide a suggested framework for how the Commissioners can view the EJ Program. We're starting with some ambitious Guiding Principles and Policies, and the EJ Program is where we are putting theory into practice. With your input along with the team at BCDC and with valuable input from community-based environmental justice partners we are making good headway on figuring out how to do this new aspect of our work and how to apply these new policies with integrity, keeping in mind that in many cases, we might not have jurisdiction over the specific environmental justice issue of concern. So, as you can understand, this has been a delicate process that requires a holistic and intentional approach.

At the May 7th Commissioner Environmental Justice Working Group meeting I provided an overview of the EJ Program as a whole and then we had a focused discussion on which aspects seemed most critical to highlight at today's Commission briefing. Working Group Members expressed interest in two specific facets of my work which I feel are overarching in everything I do. So I'm using education and relationships as the framing for today's presentation.

I will describe the work underway to ensure the Environmental Justice and Social Equity Policies are successfully being implemented at BCDC including new resources we've created to support staff and permit applicants. Since Todd Hallenbeck, BCDC's GIS Specialist is unable to present today I will provide a demonstration of the Community Vulnerability Mapping Tool that he and his team have created. I'll also provide a glance into the inner workings of how I've been supporting regulatory and planning staff with their updated processes and staff reports.

We will also hear from Katharine Pan on the incredible Racial Equity Team's efforts to operationalize equity inside of the agency.

Finally, I will open the floor for any questions you might have for us and suggestions on how you see the EJ Program moving forward.

When you voted to adopt the EJ Policies into the Bay Plan back in October of 2019 you decided to prioritize environmental justice and social equity at BCDC. This commitment was not only memorialized through the updated policies but you had a separate discussion and vote on the guiding principles summarized in this slide.

These Guiding Principles do not only guide our policies and permitting process but the Commission committed to the following guiding principles to integrate environmental justice and social equity into its mission and thereby into everything the Commission does.

I was hired to put these theories into practice and to figure out the best strategy to implement all of the outstanding policies we included in the Bay Plan Amendment last year. We must approach this work with a sense of humility and a willingness to learn as this is something that's never been done before at BCDC. So we're exploring new avenues to make sure we're doing this well.

As you can see, we've been very busy spreading the word on these new EJ policies.

So far we have provided two public webinars to educate stakeholders on the new policies which featured direct reports from our partners from Nuestra Casa in East Palo Alto to provide community-based perspectives on best practices for successful community engagement in planning. Each webinar had about 50 participants. We also provided a webinar on March 10th to the Bay Planning Coalition. So we've reached an audience of about 150 stakeholders with our live webinars.

The February webinars were recorded and the ADA accessible recordings have been posted to BCDC's website and I imagine our audience has grown.

We continue to seek opportunities to provide presentations and trainings to interest groups, local governments, our own staff, the broader public and to you—BCDC's Commissioners.

When it comes to actual permits and plans, that's where the rubber meets the road, as it were. So this is where we're figuring out how these policies apply in a way that's consistent, transparent and applicable to permit applicants.

Before Clesi Bennett moved on to become a staff member at the Natural Resources Agency she developed these materials to support staff and applicants with these new procedures.

Clesi created a guide for permit analysts to use as they learn how to incorporate the new Environmental Justice and Social Equity Policies into their process from pre-application through analysis and conditioning stages.

Most of the project applications that staff is working on now were submitted prior to the full adoption of the new EJ Policies so there will be a slight lag in implementing the new process in its entirety, but as I'll soon explain, the transition has already begun with several projects.

Clesi also provided a list of Frequently Asked Questions (FAQs) on BCDC's website for permit applicants to reference as they begin to understand and integrate these new requirements.

I'm also serving as a resource to regulatory and planning staff and have already been tapped to support with the EJ implications and analysis of projects from the Stockton Ship Channel, to the Oakland A's/Howard Terminal Project.

For example, I have already attended a couple community meetings as the community works with the Oakland A's, city of Oakland and the Port of Oakland on developing a Community Benefits Agreement.

We will continue to stay in contact with community leaders and staff to track this process. This will support permit staff with their new requirements to ask applicants how community concerns have been addressed by the project applicant. The best way to do this is to track the process as it's underway versus solely relying on a report from the applicant.

Finally, as you might recall from a previous briefing, our GIS staff have developed an excellent tool to assist with the EJ analysis. Since no two communities are the same our procedures must be tailored based on the unique indicators of each community which are provided via this tool.

So these tools were developed by leveraging work that was done within the Adapting to Rising Tides Program to map community vulnerability based on socio-economic and contamination indicators that reduce a communities' ability to plan for, respond to or recover from a disaster.

The goal of these mapping tools is to provide community vulnerability information to a variety of audiences including community members just learning about this mapping effort, BCDC staff reviewing applications and project applicants designing outreach and engagement around development proposals. So we wanted to have multiple entry points into the information.

I will click on the first tool which is the learning tool. Here we are using images and limited interactive maps to teach concepts about environmental justice, BCDC, the Bay Plan Amendments, the social and contamination and the indicators that contribute to vulnerability.

I will quickly scroll to what we are calling a story map which gives you the history and context. It describes what vulnerability is and the methodology and the data sources for the map. We have some simple mapping of shoreline flooding and sea level rise. And finally, this is the interactive, community, vulnerability, mapping tool.

I will open that window so you would just click back on this window to start exploring the map. So this interactive map is geared at allowing people to explore community vulnerability around the shoreline and discover community characteristics.

So this is where we can highlight the indicators and data that we are using to measure vulnerability. We are pulling data from the 2016 American Community Survey and tracking information on the 12 indicators from the Adapting to Rising Tides Program such as housing status, age, people living without a car, non-English speakers et cetera and calculating a vulnerability category.

So you will see those on the left. We have “low,” “medium,” “high” and here it is only showing “moderate,” “high” and “highest.” But you can get into the “low” as well. The 2018 American Community Survey data is also available. And that data is currently going through quality assurance by our GIS staff and will be uploaded to this mapping tool by the end of this summer.

Once people are comfortable with the data and going through the interactive maps they can start exploring specific parts of the shoreline.

The information at the moment is primarily being used by BCDC staff and project applicants to help identify where additional outreach and engagement should occur and also how that outreach should be tailored.

As I said, you can click through individual block groups and see what characteristics are exhibited there. So this information can be exported and used in conversations about how project engagement and outreach can be tailored to this community.

Since this data and these tools are just starting to be used for the EJ Policies Todd is very interested to know how the tools can be improved to better serve your needs. So if you have any suggestions please feel free to reach out to me or you can reach out to Todd Hallenbeck and he will respond to you as soon as he is back from paternity leave.

With this tool along with the materials described earlier, staff has multiple resources available to ensure a thorough and robust analysis of environmental justice and social equity with each application that meets the criteria for applying these new policies.

Staff reports will also provide more detailed information on possible disproportionate project impacts.

As part of my work supporting the Bay Adapt effort that is being led by Jessica Fain and other staff at BCDC we have invited four organizations to represent the environmental- justice, community-based perspectives on the Leadership Advisory Group as well as each of the three working groups.

We are referring to this group of four environmental justice organizations as the “EJ Caucus”. And in addition to bringing EJ and equity into Bay Adapt conversations and action outcomes we hope to collaborate with these EJ leaders on a broader education campaign.

We will provide more details on this exciting work at a future Commission meeting.

I’ve also been supporting staff with outreach on and how to include EJ and meaningful community engagement in the Seaport Plan Update which you will be hearing about after my presentation today.

And with that I want to pass it over to Katharine Pan, a Waterfront Planner at BCDC and who is also the Lead Coordinator of BCDC’s Racial Equity Team.

Waterfront Planner Pan presented the following: Thanks Nahal. Hello Commissioners, as Nahal just mentioned, I’m Katharine Pan, a BCDC planner, and I’m coordinating the Racial Equity Team. This is just to give you a quick taste of who we are and what we’re doing and we’ll hopefully be able to give you a more detailed briefing at some point in the future.

The Racial Equity Team is the result of a long-running conversation about how we as an agency can advance racial equity both internally and outwardly within the community that we serve. A lot of the foundation of our process actually comes from BCDC’s participation in the Government Alliance on Racial Equity, or GARE, over the past three years. At the beginning of this year, thanks in large part to the efforts of the staff who participated in GARE, BCDC established a formal committee — the Racial Equity Team — to draft a Racial Equity Action Plan that will lay out a vision, goals, implementing actions and metrics to promote racial equity in our agency’s operations and activities. We’ll be looking at areas such as staffing, communications, planning, permitting and enforcement and considering what we want to prioritize over a five-year, planning horizon.

The team consists of 12 volunteers from across the agency including two members of senior staff. So far we’ve created an 18-month, work plan that includes the components listed on this slide.

We’ve mostly completed a background research phase where we’re summarizing the equity work BCDC has done to date and assessing our baseline — where we stand today — so that we know how far we have to go and have something to measure future progress against.

We've also been learning from sister agencies and others in our field, for example, by reviewing plans and other tools that have previously been completed by those agencies.

Soon we'll be moving into an agency-wide visioning phase and we're looking forward to engaging with our colleagues and you, our Commissioners, to draft a common vision of what a racially-equitable BCDC will look like.

We'll be doing some brainstorming with the Environmental Justice Working Group on how best to involve you and use your time, so please stay tuned.

Lastly, I just want to note that this has been a great opportunity for us to plug into a network of resource agencies that are working on operationalizing racial equity. We've been collaborating with staff from NOAA, the Coastal Commission and the Coastal Conservancy and the State Lands Commission to assess the work that we are all doing and share information.

These are agencies that are all at different points in their equity journeys, so we have a lot to learn from one another. It's been a really great way for us to share our knowledge, represent our agency and connect with our peers.

All right, that should do it. Thank you, I'll hand the presentation back over to Nahal.

Ms. Ghoghaie continued: In order to ensure that we are supporting our policies to meaningfully engage communities who have been historically marginalized and/or negatively impacted by land-use decisions, we need to focus on scoping and implementing a regional EJ and vulnerability, community, outreach effort to understand community needs and gauge levels of community interest in engaging in BCDC's Environmental Justice Program.

The CBO Matchmaking Database would help my role as the primary point of contact with CBOs by fostering new relationships between other BCDC staff and community leaders. The tool would serve as a directory of organizations and potential stakeholders who live or work in the communities in or near BCDC's shoreline jurisdiction and who are knowledgeable about environmental-justice impacts in their respective communities. The tool would be an interactive mapping layer and list of groups and individuals that would like to be contacted by BCDC staff when we receive a permit application in their area.

From there we might even connect the applicant directly with the organization or person and encourage them to work together on the community engagement piece of their project.

We have recruited a U.C. Berkeley Master of City Planning student with a background in GIS and environmental justice to help us kick this project off this summer.

As far as meeting accessibility goes, COVID did catalyze our ability to offer and master virtual meetings but we must keep equity in mind as we make this transition.

While we are getting more people showing up to BCDC meetings, we are not having increased participation necessarily by under-served populations.

When we think of meeting accessibility from the EJ Program perspective, we're hoping for audiences who wouldn't have otherwise been able to attend. We must ensure our outreach is more targeted and that our communication strategies are more engaging to help us reach those audiences in meaningful ways and to work with them on how we can update our meetings and our virtual events to ensure that they can participate.

On that note, BCDC now has a social media presence with Twitter and Facebook accounts. And I've been working with our community-based partners on exploring ways to leverage environmental justice and climate-equity networks around the Bay Area to help share our posts and to collaborate on social media campaigns.

I also want to bring up an idea that Commissioner Showalter shared which was for us to draft some blurbs for Commissioners to regularly post on your social-media channels if you would like. I will be following up with Commissioner Showalter on that as soon as possible and coming up with a strategy that we will present to you at a future meeting.

Language Access remains a high priority and we're exploring ways to address this despite the funding limitations.

We also have updates happening to our regulations regarding mailings, public outreach processes, interested parties lists and other communication processes at the Agency.

We are developing a tribal consultation policy. And while it is a top priority that's reflected in our EJ and social equity Guiding Principles it also a state law requirement.

Now that we have an EJ Program we can finally focus on developing these policies to address tribal engagement and consultation. I've already been in conversations with the Assistant Tribal Liaison at the State Water Boards, the Tribal Policy Advisor at DWR, the Tribal Affairs staff at CalEPA and I have been in contact with the Native-American Heritage Commission on receiving the nine-county, Bay-Area, tribal contact list. So please stay tuned for updates on that important effort.

That concludes my briefing today. Thanks so much and let me know if you have any questions.

Chair Wasserman asked: Do we have any hands from the public?

Ms. Atwell replied: We have no public comment, Chair Wasserman.

Chair Wasserman asked: Are there any Commissioners who would like to raise a virtual hand to ask a question?

Ms. Atwell stated: No hands raised, Chair Wasserman.

Executive Director Goldzband chimed in: Believe it or not, Nahal does only work 40 hours a week. The key here is that we have started something and we don't know how it needs to become but we will be reporting back to you on a semi-regular basis as we move forward.

The piece that I wanted to talk about for a minute was the one slide that Katherine talked about which is that the staff has done a pretty tremendous job at putting BCDC's money where its mouth is.

We have a tremendously-interested group which is a real vanguard of 12 staff of all ages, all ethnicities and it is a marvelously-diverse group of people who are doing a darn-good job at figuring out how BCDC can improve internally.

We have some major constraints as a state agency on things like recruiting and the like. But at the same time, we know we can do better. It is up to every organization to not only look externally but also to look internally.

Once again, I want to do it publicly – thank Katherine and the team for doing that and working on that process because you will see significant change over the next couple of years from BCDC staff as we implement the EJ Policies.

Commissioner Nelson commented: I wanted to reflect on Mark Gold's comments that one of the risks of adopting an environmental-justice principle separately is that unintentionally somehow over time that those issues become marginalized; become siloed.

We've chosen to adopt environmental-justice policies that actually are pretty broad and focused. But I just wanted to make sure that we have a strategy over time to make sure that despite all of our best intentions that we ensure that over time these principles succeed and fully integrate themselves into all aspects of BCDC's programs and that we don't wind up with a well-meaning but marginalized, environmental-justice program.

Ms. Ghoghaie responded: That is definitely on our minds as well and thank you for the comment. I wanted to reassure you by letting you know that we have permit staff that feel they can now fly free. These new policies and the go-ahead for them to start engaging communities and having that be part of the process is something that they've been wanting to do but now that they have these policies there is nothing holding them back.

So I was very pleased and proud to see a permit staff at a meeting last week and she gave her own digested version of our environmental-justice, policy presentation to a room of technical experts and she did an amazing job.

People in the room sounded very excited. While it is still being presented as this EJ Program and EJ Policies, I can already see it being adapted and adopted into the full range of work that staff is doing.

Executive Director Goldzband added: Let me buttress that by giving a big shout-out to Jessica and Brad because one of the things that has happened historically at BCDC is that the Commission has passed regulatory change, a Bay Plan Amendment and then the regulatory folks get it and say – well, how do we deal with this?

But as you all move through the Bay Plan Amendment process the regulatory team has been very involved in that process internally. That is then compounded by the fact that post-adoption the regulatory and planning folks have been working together to make sure that they understand and are consistent in their approaches to the implementation of those amendments.

And that is something that can only be done if you have real tremendous leadership to make sure it happens. And that is what Jessica and Brad have demonstrated and their managers have embraced.

Chief Deputy Director Goldbeck commented: I would also say that this is a really important point. And the Guiding Principles that you adopted was done so by a separate vote, and so they stand alone, and are also a part of the Bay Plan policies. And these principles say that environmental justice and social equity should be imbued and thought of in everything the Commission considers.

So there have been a couple of times already where the staff has been thinking about how we deal with this permit or something else or planning issues and how and should we apply environmental justice. And we always go back to that touchstone. We have to look at environmental justice in everything that we do.

So hopefully that will help us keep this from being put off to the side.

Ms. Ghoghaie added: One last note is that we are working together to ensure that the Seaport Plan Update also has EJ included. We are trying to build the environmental justice and social equity language into the Seaport Plan Update.

And I am also working with Megan Hall on ensuring that the mitigation section of the Bay Plan Update will include equity and EJ considerations as well.

Commissioner Eckerle commented: Just a quick thanks to Nahal and Katherine for those presentations. They were really helpful and I am continuously impressed with BCDC's approach to outreach and the incredible tools that are developed to help with decision-making.

I really think they are a model for what I would like to see in the work that we are doing at OPC.

I wanted to acknowledge the racial-equity efforts that are happening within BCDC and I am very impressed to see so many of the staff engaging in that.

I will say that OPC is at the beginning of our equity journey and it is a priority for us. And we are beginning to map out how we are going to develop our equity strategy and engagement not only for disadvantaged communities and frontline communities but also our engagement with tribes.

I know that the State Lands Commission and the Coastal Commission and BCDC and others are further along and we can talk with our colleagues there. There is an ongoing EJ coordination call to include OPC but I would be interested in hearing if that is something that we could engage in and really start to learn from the great path that you have already established.

And then secondly, because Nahal mentioned that she was going to start working on the tribal piece; I wanted to flag that. The West Coast Ocean Alliance which is the current iteration of the National Ocean Partnership that came out of the Obama Administration's National Ocean Policy – the tribal caucus of that group is in the final stages of completing a guidance document for tribal engagement around coastal and ocean issues. And hopefully that is going to be out in July.

And I think it will be an incredibly tool for BCDC. We are certainly looking forward to using that and leveraging it in the work that we are doing.

In addition, NOAA is working really closely with the Udall Foundation to translate that guidance document into the training modules. I am hopeful that we can also use those in California to help in the work that we are doing.

Vice Chair Halsted was recognized: I wanted to say how wonderful and incredible this report is and what determination and thoughtfulness has gone into it. I am very encouraged to hear all of this.

I hope if there are suggestions or ideas about how we as Commissioners can better participate or better behave or improve our procedures and policies can enhance these efforts I think that they should be considered and brought to our attention. I hope that is on the table as well.

Executive Director Goldzband stated: It will be. I have been threatening now for six to eight months that we will hold an EJ, implementation workshop. I still think we need to because no matter how much Nahal puts to mind and body into this thing five days a week and does all of this outreach — there will come a time where we need to sort of go like this with folks. And so we will most definitely be including you all in that.

Chair Wasserman continued: I want to join in thanking Katherine and Nahal and the internal team for their presentation today and probably more importantly, for the work that they are doing.

The vulnerability map was terrific. I assume we are making that available and publicizing or socializing it in coordination with our sister agencies and cities and counties throughout the jurisdiction.

I was also very impressed with the poster that was on the opening slide that Nahal used by Ricardo Levins Morales who I was not familiar with and whose art is terrific. I ordered a copy of that poster while we were talking.

11. Briefing on Seaport Plan Update. Chair Wasserman announced: That brings us to Item 11 and I am going to turn the gavel over to the Vice Chair and recuse myself on this matter because of my representation of the Oakland Athletics. So thank you all and Anne will carry you through the rest of our meeting. (Chair Wasserman exited the virtual meeting)

Acting Chair Halsted stated: I will do my best. Item 11 is a briefing on the Seaport Plan update. The Commission will receive a briefing on the status of the Seaport Plan update, which was initiated in January 2019 with BPA 1-19 and BPA 2-19, focusing on progress since December 15, 2019. Katharine Pan will present again — thank you.

Waterfront Planner Pan presented as follows: Hello again, Commissioners. I'm Katharine Pan, a Waterfront Planner at BCDC, and I have been working with the Seaport Planning Advisory Committee or "SPAC" since last June on the Seaport Plan Update.

I'll be giving you a briefing on the project's overall status and the progress we've made since my last briefing to you in December.

The purpose of this briefing is to help you all stay up to speed on the work that is going into this process. There is no vote or decision for you to make on this matter today but feel free to ask us any questions you may have.

In this presentation we'll be covering: background on the planning process, a summary of the work completed to date, some highlights of the Cargo Forecast, and an overview of our next steps.

First, let's go over the project. This is for anyone who needs a refresher or who is joining us for the first time.

BCDC is in the process of updating its Bay Area Seaport Plan. This is a regional plan that coordinates development at the five Bay Area ports and which guides BCDC's decisions around port development and land use.

As you know, waterfront land in the Bay Area is a limited resource and here at BCDC we seek to ensure that this resource is conserved and used wisely.

The use of waterfront land for port development is both integral to the regional economy in the Bay Area and constrained to areas with access to deep water and transportation infrastructure. That's why this large-scale, long-term planning is so important.

Thus, the Seaport Plan's goals are to ensure the vitality of the Bay's port system, maintain and improve the environmental quality of the Bay, ensure efficient use of waterfront resources and regional transportation systems, and reserve shoreline areas to accommodate future cargo growth and minimize the need for new Bay fill.

One of the Plan's tools for accomplishing these goals is the port priority use designation.

Under the McAteer-Petris Act, BCDC reserves shoreline areas for water-oriented uses in Priority Use Areas.

“Port priority use” designates areas determined to be necessary for future port development. Within port priority use areas, specific marine terminals are designated to handle specific types of cargo such as container, dry bulk, and roll-on/roll-off (or Ro-Ro, which often refers to automobiles).

Planning ahead and reserving areas to ensure capacity for projected cargo needs helps us to reduce the potential that ports will need to place large-scale Bay fill in the future that could negatively impact the Bay environment.

Now, the Seaport Plan needs to be updated and this is for a few different reasons. First, the Plan uses cargo forecasts that only go through the year 2020.

Second, a number of the Plan’s policies are outdated or obsolete and with the new Bay Plan policies adopted in recent years it’s prudent for us to check the Seaport Plan’s consistency against those.

Additionally, we’ve received a number of requests to change port priority use and terminal designations in the Plan.

Last January, BCDC initiated two Bay Plan Amendments to start the update process. BPA 1-19 is a general update of the Plan and 2-19 is in response to a request by the Oakland Athletics, or Oakland A’s, to remove the port priority use designation from Howard Terminal in Oakland — shown there in red on the slide — to allow for a proposed major-league, baseball stadium and mixed-use development.

We’re working on completing both of these amendments at the same time.

The update process is being carried out with the help of the Seaport Planning Advisory Committee, which has met three times so far on this project — last June, last December, and most recently, in May.

The SPAC was originally formed in 1982 to draft the Seaport Plan and it convenes from time to time to consider amendments to the Plan.

The Committee is made up of representatives from various stakeholder organizations, including BCDC, the Metropolitan Transportation Commission and Association of Bay Area Governments, the Marine Exchange of the San Francisco Bay Region, the five Bay Area ports, the California Department of Transportation, and Save the Bay.

Two of your fellow Commissioners serve on the SPAC, Vice Chair Halsted, who is the Chair of the Committee, and Commissioner Alternate McGrath.

The SPAC’s role is to provide recommendations to the Commission and BCDC staff on technical background and policy options based on their expertise.

The SPAC will ultimately provide a recommendation on a draft plan update which we will then bring to the Commission for your consideration.

Here’s a look at what our process is expected to be.

The first step has been to do background studies, including an updated cargo forecast, before moving into an alternatives phase where we'll be considering potential land- use configurations and big-picture, policy proposals and evaluating their impacts on things like cargo flows, the environment, and environmental justice.

This is the phase where the SPAC will be considering the proposed land use changes from the ports and the Oakland A's and ultimately recommending a configuration for us to draft into the Plan.

Following that, we'll be drafting the updated Plan, conducting an environmental assessment of the draft Plan, and then coming to the Commission with a preliminary recommendation and ultimately a final recommendation for adoption.

This is where we are now. At their last meeting on May 11th, the SPAC voted to accept the Cargo Forecast for use in long-range regional planning, wrapping up about a year of forecast preparation, revision, assessment, and deliberation, and setting us up to start the alternatives phase this summer.

I'm just going to give you an overview of the Cargo Forecast. Now this is a very thorough and voluminous document and I won't be going into nearly as much detail here. So if you are interested in more I encourage you to download a copy from the BCDC website.

The forecast was prepared by BCDC's consultants, the Tioga Group and Hackett Associates, who are present at this meeting today and will be available following this presentation to answer any questions you may have.

The forecast covers a period of time through 2050 and includes cargo-demand forecasts as well as terminal-capacity estimates.

Together, these two parts help us visualize whether our existing Bay Area terminals will have the capacity to handle future cargo flows and if we can expect to have an excess or deficit in capacity for any given cargo type.

The first draft of the forecast was presented at the first SPAC meeting in June of last year. After that meeting, revisions were made in consultation with the ports and a revised draft, dated November 19, 2019, was released and presented at the second SPAC meeting in December.

You will recall that at that meeting, Mercator International, a consultant for the Oakland A's, shared their review of the terminal capacity forecast as well as their own version of the forecast.

This is just to give you a sense of the basic differences between the Draft Forecast and Mercator's forecast.

The Draft Cargo Forecast looked at the five ports and available port priority use land to estimate the number of acres that may be needed to meet cargo demands by 2050, and concluded that additional land may be required for container, Ro-Ro, and dry bulk cargo beyond currently active terminals.

Mercator's report came from the question of whether Howard Terminal, in particular, would be needed to meet the cargo demand projections in the Cargo Forecast.

It differed from the Cargo Forecast in that it considered additional land not designated for port priority use and used higher productivity estimates for capacity to conclude that adequate sites are available to meet projected demand without the need for Howard Terminal.

The Mercator forecast raised some questions as to whether the methodology and assumptions used in the Draft Cargo Forecast were appropriate and whether BCDC should consider using more aggressive container cargo productivity and capacity estimates than the ones included in the Draft Cargo Forecast.

To answer these questions, the SPAC directed staff to conduct an assessment of the feasibility of the Draft Cargo Forecast's container terminal estimates in comparison to the more aggressive Mercator estimates.

We did this through a combination of internal review, communications with Port of Oakland terminal operators, and expert peer review, and presented our findings at the May 11th SPAC meeting. The results of these various review efforts can be found in the Staff Report for that meeting on BCDC's website.

After reviewing staff's findings at their May 11th meeting and hearing additional comments from the public and the consultants, the SPAC voted to accept the latest version of the Cargo Forecast for use in the Seaport Plan Update.

For context, the purpose of the forecast is to act as a basis for the Plan's policies and designations. These examples from the current Plan show tables that list terminal designations and target capacities that were determined to meet projected cargo demand for 2020.

This accepted forecast gives us an agreed-upon measure against which we can evaluate potential impacts of land use and policy alternatives for the updated Plan.

As with all long-term forecasts, we do have to make the disclaimer that we're not attempting to predict the future. We expect that we'll see fluctuations in actual volumes and terminal productivity over time and that come 2050 we're probably not going to see the exact numbers projected in this forecast.

Instead, we're looking for reasonable estimates of what our needs are likely to be given past trends in order to establish long-term policies that are as informed as possible.

The cargo forecast provides a snapshot of the current cargo flows in the Bay Area. This summary chart shows that Bay Area ports currently handle three main types of cargo: container cargo, Ro-Ro cargo, and dry bulk cargo.

Consequently, the forecast focuses on projections and impacts for these three cargo types.

Also, you'll see liquid bulk cargos including vegetable oils and chemicals in this chart, but because these are handled at single-purpose terminals and rise and fall on a commodity-by-commodity basis without strong long-term trends, they were not analyzed as part of the forecast.

For each cargo type, the forecast provides a Moderate, Slow, and Strong growth scenario for cargo demand. It also provides productivity and capacity estimates for the terminals that handle that cargo type, ranging from low productivity to high productivity.

Remember, the idea is to translate projected demand into the number of acres needed to handle that demand, so the capacity estimates are given as units of cargo per acre.

For container cargo the growth scenarios are based on a number of assumptions including those related to recent trade disputes and trends in regionally significant cargo.

For example, the Moderate Growth Scenario assumes that trade disputes will be resolved, and that we'll see increases in refrigerated container trade and imports of automobile parts for manufacturing. The Slow and Strong growth scenarios are based on less and more optimistic variations on those assumptions.

Meanwhile, the container terminal capacity estimates are presented as conventional, high productivity, and "full" automation. We are expecting that productivity at the terminals will increase over the next 30 years given technological and operational improvements over time. The high productivity estimate, which is the "base case" in the report, is 7,112 twenty-foot equivalent units (or TEUs) per acre per year, or a 66-percent increase in productivity over the current average.

The container cargo capacity analysis also includes assessments of ancillary service needs and berth requirements, as both are potential physical constraints on a terminal's ability to move cargo.

For the Ro-Ro cargo analysis, the growth scenarios represent variations in assumptions regarding import and export automobile volumes and the number of vehicles that can be stored, processed, and moved through the ports.

The productivity and capacity estimates are based on vehicle mix and footprint sizes using recent experiences at the ports.

The base case capacity estimate for Ro-Ro is about a 20-percent increase from 2018 volumes.

Dry bulk in the Bay Area is dominated by construction needs. Thus, the growth scenarios are based on assumptions around the demand for sand and gravel and the long-term availability of regional supplies.

The capacity estimates are formulated to allow for a range of efficiency improvements, including denser storage or faster movement of goods.

The moderate productivity estimate for dry bulk is based on volumes from the Eagle Rock Terminal in Richmond, which is 101 percent higher than the 2018 Bay Area average.

This chart summarizes the acreage analysis for each cargo type using the moderate or base case productivity estimates, and it shows the existing terminal acreage, the estimated acreage needed by 2050, and the difference between the two.

It shows that under Moderate Growth assumptions, the Bay Area will need more active terminal space estimated at about 326 acres total by 2050.

Under Slow Growth an additional 98 acres of terminal space are estimated to be needed, and under Strong Growth it's an estimated 753 additional acres.

The forecast also includes an inventory of potential expansion sites for the ports to meet any acreage shortfalls. These include dormant or under-utilized terminal sites designated as port priority use in the current Seaport Plan. Some sites have the potential to serve more than one type of cargo, so planning for those sites will require us to consider potential trade-offs between one type and another.

Because one of the proposed Bay Plan amendments centers on the designation for Howard Terminal in Oakland, we asked the consultant team to include an appendix with some background on the terminal and an assessment of its potential to serve as a cargo terminal in the future.

The appendix covers its history as a marine terminal and the array of ancillary uses currently taking place on the site. It looks at the various opportunities and constraints of the terminal related to the three different types of cargo, which may all need additional terminal acreage in the future. Whether and how the terminal may be used to handle cargo will be dependent on the strength of the growth and productivity improvements that will be experienced in each industry over time. And while the terminal could help make up the acreage shortfalls for any of the cargo types, there would be constraints to consider for each.

With the proposed Inner Harbor Turning Basin being considered at the port, we'll be looking at a reduction in the size of the site and the length of its berths, which may limit the terminal's ability to adequately serve the size of container ships that call at the port. To adequately serve Ro-Ro operations, the site would need to be configured to allow access to rail connections and processing facilities. And if it were to serve dry bulk there could be consequences from dust and truck impacts typically related to that cargo type.

Up to now we've been trying to concentrate on understanding the overall cargo needs and capabilities of the Bay Area as a region without focusing on individual terminals. We will be looking at Howard Terminal more closely as part of the upcoming analysis for both Bay Plan amendments.

At the May 11th SPAC meeting, the Committee heard and discussed concerns about the impacts of the COVID-19 pandemic on port operations. We acknowledge that the analyses in the Cargo Forecast were performed prior to the outbreak. However, based on the information available at this time, we believe that the Demand Forecast is still usable for our purposes. The forecast is a long-term forecast that covers a 30-year period and, by its nature, assumes that there will be economic fluctuations over that time to account for unpredictable events such as these.

We are not saying that the pandemic won't have any significant, long-term impacts on cargo flows, but rather that at this time there aren't clear enough indications of what those will be or whether or how they will materialize for us to meaningfully incorporate them into our models.

Our plan is to continue to watch this situation and consider options for addressing any long-term effects in the Plan and in our related monitoring efforts.

Here are some of the key takeaways from the Committee discussion at the May 11th SPAC meeting.

We had asked SPAC members to consider the implications of adopting a more conservative or more aggressive productivity forecast, and members generally believed that a conservative approach would be more in line with BCDC's goals.

In addition, SPAC members underscored a desire to maintain flexibility in the Plan, particularly given the uncertainties raised by the COVID-19 pandemic.

And finally, SPAC members called for us to pay close attention to feasibility in the Seaport Plan's policies for the development, capacity, and productivity of marine terminals. Specifically, they pointed to air quality and infrastructure, particularly transportation infrastructure, as potential constraints on future development and throughput capabilities that we will need to be mindful of, particularly as we consider environmental-justice issues in this process.

That brings us to our next steps. Here are some of the upcoming milestones we're looking forward to.

This summer, staff will be continuing our assessment of environmental justice and sea level rise considerations for the Seaport Plan. Staff has spent a lot of time developing an approach to assessing environmental justice impacts and are looking into opportunities to coordinate with the Air District and ports and engage with stakeholders in the communities surrounding the ports.

We will also be preparing preliminary alternatives for the SPAC's consideration at its next meeting. This coming summer and fall the SPAC will be focused on potential land use and policy alternatives and their impacts on cargo capacity and the environment.

We will then draft the Seaport Plan update based on the SPAC's direction, meet again near the end of the year to review the draft, and look to have a completed environmental assessment and preliminary recommendation for the Commission early next year.

If all goes well, we will have a final recommendation for you by the end of spring 2021.

And that's it! Thank you so much for your attention this afternoon. Staff and consultants are available to answer any questions you may have. I'll give the floor back to Acting Chair Halsted.

Acting Chair Halsted continued: Thank you very much Katharine. It was an excellent presentation. As you all can see this is a very complex and important process and a product.

I would first ask if we have any questions from the public.

Ms. Atwell replied: Acting Chair Halsted we have an M. Jacob wishing to speak.

Mr. Jacob commented: I am Mike Jacob with the Pacific Merchants Shipping Association and thank you for the presentation.

We represent ocean-carrier and marine-terminal operators operating in California's public ports.

I believe the amendment process is an important one to get right to maintain a level of service and access to port facilities in the Bay Area, and particularly, the Port of Oakland, Port of Richmond, Port of Redwood City, and the Port of San Francisco.

I wanted to reiterate our thanks to the SPAC Committee for sticking with the projections in the report that were provided and not deviating with respect to projections that were promoted by the Oakland Athletics and by Mercator.

They were not realistic in our estimation but, more importantly, they weren't realistic and the Committee noted that after going out to the experts in the field and talking directly to terminal operators and speaking with other folks in a peer-review process. We felt that this was very well done and we appreciate the staff at BCDC going the extra mile to do those types of things. It was not necessary but it certainly yielded the correct results.

And we look forward to working with the staff to make sure that when the Plan comes out it truly does reflect the needs for the next three decades of maintaining adequate space for our operations in the Bay Area to allow our operations to continue to grow.

And as Ms. Pan pointed out in her presentation, with respect to containers, the existing Plan needed to be updated to reflect changes in technology and improvements in our ability to operate.

As projected through 2050 under the projections that were included and approved by the SPAC – it still projects a 66 percent increase in density per acre. And under all the scenarios: "slow growth," "faster growth" and the "highest level" of growth — we will need more acreage. Even with that level of additional densification, which we think is probably pretty optimistic.

We look forward to working with you and maintaining space at the ports and not relenting to the pressure from the Athletics to remove acreage from our waterfront and the Port of Oakland in particular. And thank you for the opportunity to address the Commission today.

Ms. Evey Hwang addressed the Commission: My name is Evey Hwang and I am a customs broker and I've spoken at BCDC before. I work for a custom brokers and freight-forward users of the Port. I am currently also President of the Customs Brokers and Forwarders Association.

I'd like to speak on the sustainability of port lands for maritime use. I'm really encouraged by what I am hearing today and that we know that BCDC has a mandate to protect seaport lands and to evaluate everything that is pertinent to the environment, sea level, and what I really learned today is about the environmental justice.

It is something that we learned about last year, shifting something from East Oakland to West Oakland doesn't fix a lot of things.

What the Oakland A's have proposed really goes against what would equalize any of those. Resources are valuable and the money that is needed to secure natural resources and preserve maritime use – all of that has to be evaluated. We don't want to shortchange the process and really appreciate what BCDC is doing.

We really have been so appalled by what is proposed for Howard Terminal that the one percent will get to build something of a pipe dream of a stadium, hotels, retail, and all the uses, which would have such impact on the current infrastructure; so we appreciate what BCDC is doing and we encourage you to further that and we thank you very much for the balanced review and we look forward to the full report later this year.

Mr. Will Travis gave public comment: I will remind you that the most important word in BCDC's name is "and." BCDC is the Bay Conservation *and* Development Commission. BCDC conserves the natural resources but not at the expense of economic prosperity.

And BCDC favors economic development but not at the price of environmental degradation.

BCDC is updating its Seaport Plan largely because the Oakland Athletics have proposed a new baseball stadium at Oakland's Howard Terminal, which the Seaport Plan currently reserves exclusively for Port use.

To advance its two complementary objectives of conservation and development BCDC will ultimately have to decide whether the theoretical chance that the Howard Terminal might be useful for some maritime purpose 30 years from now is outweighed by the immediate, economic, social, and environmental benefits of the A's project.

Now you've heard that cargo forecasts and port throughput projections have been prepared to help you answer these questions. These projections are based on a heap of assumptions; one of which is that we think we have a pretty good idea of what the future will look like. But I will remind you that our guesses are often wrong.

Let's imagine if we tried 100 years ago to determine what the Bay Area's port needs would be in 1950. In 1920 most shipping cargo was the break/bulk variety. And San Francisco's finger piers provided most of the region's port capacity. In 1920 we didn't know the Great Depression was on the horizon or World War II during which the military developed new ideas for handling cargo; ideas that would ultimately revolutionize the shipping industry when they became known as containerization.

Now not knowing any of this in 1920 preserving every finger pier that existed and building lots more of them on the San Francisco Waterfront might have seemed like good ideas. Well we are no better at predicting the future today than we were a century ago.

And as a result, what now seemed reasonable ideas may ultimately play out to be little more than outdated theories. Thank you.

Mr. Andres Garcia was recognized: Good afternoon, my name is Andres Garcia and I am Chairman of the Board and Executive Vice President of GSC Logistics, a very large logistics provider at the Port of Oakland as well as at the Ports of Tacoma and Seattle.

First, I want to commend my colleague Mr. Mike Jacobs from the PMSA for his eloquent discourse in thanking BCDC for maintaining the seaport process as originally designed and not allowing for that process to be interfered through outside sources.

I would like to answer a question which Mr. Travis made mention of. And I recognize that trying to make a forecast between now and 2050 is a very, very difficult concept.

However, I want to mention to him that in 2019 the Howard Terminal space conducted 322,000 – I want to impress upon you that number – 322,000 transactions. And these numbers are derived from the Port of Oakland database. These were 322,000 transactions that support the transportation providers' functions at the Port.

That is not a forecast. That is not something that may or may not happen in the future. That is what transpired in 2019. And removing the Howard Terminal from offering that type of relief for transportation providers who are the continuation of the supply chain that the maritime industry joined between imports and exports at the Port of Oakland would be very shortsighted, and in our minds as logistics providers, an absolute insanity.

I also want to point out that recently there is a new program at the Port of Oakland where minerals that are originating in Utah are going to be railed into the Port for export purposes. This again is a program that is going to consume land space that is going to require transportation support even though initially it is primarily provided by rail.

So I want to emphasize first my gratitude to BCDC for requiring the seaport process to take place as originally designed but I want to challenge the proposal for creating a playground, a ballpark, a condo complex within a land mass that is urgently needed for the Port of Oakland to be able to continue its services as an international gateway as well as to support the functions that the maritime industry, the Port operators, and the transportation providers try to fulfill every day, 365 days a year. Thank you very much.

Mr. Weston LaBar addressed the Commission: I am Weston LaBar and I am the CEO of the Harbor Trucking Association. I want to thank you for allowing me the opportunity to speak today. I want to thank staff for a tremendous presentation that really encapsulated the issue at hand which is that if we as an industry are successful in doing what our objective is which is to bring cargo back to the West Coast and do so in droves — then we will need all of the facilities at our disposal to be able to maintain our market share, increase competitiveness and have the ability to service the customers that are looking at all options around the country.

Competitiveness is something that we looked at and take very seriously. And it is why we have tried to forge such strong bonds with organized labor, with the industry as a whole, and with the policy and decision makers.

And I think it can be looked at very simply if you look at recent struggles that gateways have had due to the impacts of COVID-19 on the international shipping community. But ports that have ancillary facilities that can be used in versatile fashions have been much better positioned than those who haven't had that opportunity.

And if you want to compare two gateways, Oakland versus the Southern California gateways is a great example. A port like Oakland has great ancillary facilities that have helped with such situations like putting together a Truck Management Plan which goes directly into environmental and social injustice on battles that we are all facing trying to make sure that we are not affecting the communities in which we serve. And many of those trucks are parked, at times, at Howard Terminal.

It has helped create fluidity at terminals which reduces congestion and wait times, which again, helps reduce our carbon footprint and increase our competitiveness. And in times when we don't know what we are going to be able to do because we have an imbalance of import versus export cargo or vice/versa it creates that utility facility that we need to be able to pivot quickly whether that be for equipment storage, container storage, or for additional truck resources.

And so as we look at this I ask you not just to look at the terminal itself and whether it will or won't be used for a marine terminal facility in the future as it very well may, but it has served a valuable purpose for our industry and the broader supply-chain stakeholders throughout its time since it hasn't been in used as a marine container terminal.

And I would also just like to add — if you look at the area surrounding it in West Oakland and I think this meeting is very apropos to bring this up; but the area of West Oakland has been one that has been impacted and could be impacted in the future for increased costs of living and increased housing costs throughout the Bay Area.

And at a time where we want to consider such things as racial and social injustice we need to look at the impacts that this development could have at Howard Terminal on the housing costs in West Oakland, on the working poor that live throughout the City of Oakland and we must understand and have the ability to make sure that gentrification does not force people out of their homes.

And I fundamentally believe that not only should this be kept as a maritime use, but we need to look at the impacts it could have racially and socially on the communities that live in and around the Port. Thank you.

Mr. Bill Dow commented: I want to be a pain in the neck about this. I have addressed BCDC before about the importance of the maritime industry in the area.

I've been involved with working on and around the waterfronts since 1956, since I retired 15 years ago. I have to stress the importance of the maritime industry in the area. And the loss of any port or any docking facility — there is only so much of it that is left in the area and I've seen so many changes and I know that if you develop it with the ballpark it is going to affect the whole industry — down the edge of the estuary especially.

And you can't afford to do that. I'm begging you Commissioners not to allow the A's to build that. They got a perfectly good spot to build a ballpark and they don't have to infringe on the waterfront.

As far as we are against the A's, we have to address ourselves to every meeting that goes along and we have to be a pain in the neck in order for you people to understand that we are the poor people in the area. We are not the rich A's that want to develop real estate and everything on the waterfront.

So I beg you to keep the waterfront for the waterfront use. Thank you.

Mr. Scott Taylor gave public comment: I'd like to thank the Commission and Ms. Pan for an outstanding presentation. My name is Scott Taylor and I am the President and CEO of GSC Logistics. GSC handles about 12 percent of all the import merchandise at the Port of Oakland which is approximately 100,000 containers a year.

My esteemed partner Andy Garcia talked briefly about the importance of Howard Terminal but I would like to add a little bit of color to this subject because I think it is going to be the major subject that BCDC is going to have to answer when a final determination is rendered.

And the fact of the matter is that we are in a fight for our lives against Southern California. Los Angeles and Long Beach have a tremendous number of advantages over Oakland.

They have 29 first-port-of-calls - Oakland has zero. They have 13 terminals — Oakland has three. They have on-dock rail — Oakland has nothing. They have the population concentration that we don't have.

We have one advantage over Southern California and that advantage is Howard Terminal. 325,000 moves a year, 1,200 per day go in and out of Howard Terminal.

When Chris Liddell came to the Port in 2013 he realized that we had to do something drastic to take all of the trucks off of the city streets in Oakland and they came up with the idea of utilizing the space on Howard Terminal. It was an absolute godsend to the City of Oakland and all of the transportation providers in Oakland.

And I would just like BCDC to make sure that you take under consideration how important Howard Terminal is to the future of the Port of Oakland and all the stakeholders. Thank you very much.

Ms. Atwell stated: Acting Chair Halsted, there are no other public speakers.

Acting Chair Halsted continued: We should ask our Commission for comments.

Commissioner Randolph was recognized: That was a really good presentation, Katharine, thanks for that.

I was going to ask you how the effects of COVID-19 had been taken account of in the forecast. I was glad to see in the end that it was.

I think we need to be extremely modest in what kind of store we put by any forecast at this moment. If you are putting out decades - who actually knows? We certainly don't.

World trade fell last year, actually. And the latest forecast from the World Trade Organization is that this year it will fall between 13 and 32 percent. That is a really huge spread and that is due to two scenarios.

One is the optimistic one: we have some kind of V-shaped recovery from all of this and we are off and running by the end of the year. The other scenario is that we don't really see a strong recovery until the end of 2021 or maybe 2022. And there are other forecasts that show that nobody really knows that suggest that kind of like the Great Recession we don't actually get fully back to normal for another decade.

So there is a huge amount of variables to take into account there. And what the numbers are will depend on the markets. We do a lot of business with Asia. We do business less with Europe. But also there is a presumption that these trade issues get resolved, the trade war, trade disputes; maybe they do. Things with China are heading totally the wrong direction right now and they may not turn around.

So I would be inclined in looking at those forecasts not to lean on them too heavily. There may be other issues involved and a lot of considerations in this particular case.

But I think we need to be really thoughtful and modest about relying on any kind of forecast at this point even for the longer term.

Commissioner Butt had questions: Did I hear in the presentation that both the low projections and the high projections will require more space than is available now?

Ms. Pan responded: Yes, and it depends on the cargo type and also the combination of whether we are looking at Slow, Medium, or Strong growth or the low, medium, or high productivity and how those align.

But based on the moderate productivity numbers and any of the three scenarios, the Ro/Ro and the dry-bulk cargo types we are estimating we will need additional acreage in any scenario and then for container in the moderate and strong growth scenarios.

Commissioner Butt continued his inquiry: So the second question is — are you all looking at maybe the use of some different operating models or technology to try to get more throughput with the same amount of space? It strikes me that the one thing that all these terminals and port operations have in common is they have a pier.

The ship comes in and the stuff goes over the pier. In some cases it goes over the pier and it moves right out of there. But in a lot of cases it stays there for days, months, sometimes years.

Now the Port of Oakland has huge stacks of containers that just sit there. And in Richmond there are acres and acres of paving with cars sitting there. And it seems like that one way to get more use out of these terminals is to find new ways to move things out of there quickly. I mean, this is some of the most valuable land in the whole world and to use it for a parking lot just seems like a huge waste.

I realize that is not BCDC's job but it seems like something that ought to be looked at.

And then my third question is, are you going to take another look, since the original Seaport Plan, at the existing uses of port priority areas? I look in Richmond our Point Potrero Marine Terminal which is our biggest public terminal is currently largely used for car imports but BCDC has it designated as a future container terminal. I'm not sure that would work.

And since it was originally designated like that a big part of it became a national park and has historic infrastructure on it that everybody wants preserved rather than seeing it torn and down and replaced by container terminals.

I guess the question is, are you going to wait for a city to make an application to change or is BCDC going to take some initiative to ask a city — what are your plans? What is going on here? Let's look and see if maybe we want to rethink the original designation of specific port priority areas.

Ms. Pan explained: Your second question about looking at potential productivity improvements over time — so you are right that BCDC doesn't really have as much of a role in the actual operations of what goes on at any individual terminal. Those improvements are all under the purview of the ports and the terminal operators.

The forecast that Tioga and Hackett produced for us includes a discussion of the types of improvements that we could potentially see in the future but of course there is some chance that there is going to be improvements that we haven't really conceived of yet.

So the way that the forecast looks at potential capacity in the future is it takes a look at other terminals that are a little farther along in terms of productivity than the ones in the Bay Area and benchmarks those to be examples of the type of productivity we can expect to have.

And because that is out of our control; we really are just trying to have a good, educated guess as to what type of productivity we could see.

And I will let Dan Smith from the Tioga Group expand on that a little bit. He probably has more information on how they looked at that.

To answer your last question — we did reach out to all of the ports at the beginning of this process to see if they had any changes they wanted to request. And so we have received a few. I don't think we received one from Richmond but we should be in touch with you and the City and Port to see if there is any change that you all want to make at this time.

So we are not taking the initiative to make any changes unless they have been requested of us.

Mr. Dan Smith commented: With direct reference to the Port of Richmond and Point Potrero property out there — it does look like a parking lot most of time. We worked with the operator there and we also talked to Imports in Benicia to understand the dynamics. And what they've got is a mix of some importers who want to move their cars through there very quickly.

The ones such as Hondas which move by railroad into the inland of the U.S. — they are only there for two or three days. The other ones stay longer there, like the Subarus, that is because they are pulling those into the facilities to add accessories to the cars. So they are pulling them into those sheet metal sheds to add the radios and the roof racks and everything. So they are actually employing people to add value there and then that car sits there a few more extra days. And it will probably be trucked out to a local dealer.

I bought a Subaru last year and it probably went through your port.

On the container terminals — as Katharine mentioned, we did do some worldwide benchmarking. We looked at all the terminals around the world which had public data on their capacities and their throughputs per acre.

And we used that benchmarking process to pick out some targets that are 66 percent higher than Oakland's current average but we considered those future targets attainable. So that is what we used for planning purposes.

Then on the dry-bulk side — the sand, gravel, and so forth — we looked at who had the highest throughput in the Bay Area, which currently the highest capacity in the Bay Area per acre is at the Eagle Rock Terminal just down the street from you there.

They are moving their product through there up to twice as fast as some other Bay Area terminals. So we used that as the benchmark.

So actually some of these goals are fairly aggressive to go from where we are right now to where we could be in the future in terms of moving cargo through the terminals as fast as possible rather than having it sit there.

Commissioner Nelson posed several questions: I have three questions. I want to make sure that I understand that the 66 percent increase in productivity, those benchmarks you've selected, I just want to make sure that those are existing terminals already working at a higher level of productivity. This is not a benchmark that assumes some unproven new technology or new approach to management.

I want to make sure that 66 percent improvement in productivity, which is a big number, is based on existing terminals that are that much more productive today, right?

Mr. Smith answered: Yes. There are some terminals that have been built recently which have some pretty aggressive claims but they haven't proven those claims yet. So we haven't seen actual throughputs at those levels.

And those might be theoretical but we don't know that we can attain them. So we tried to anchor our analysis in what we could expect the Oakland ports to attain based on what other ports and terminals in similar situations were doing right now.

Commissioner Nelson continued questioning: Commissioner Randolph pointed out that we should be cautious in our reliance on projections. And that is a fair admonition, but we don't have a choice at this point. We have a Seaport Plan and we need one to make our permit decisions. I think this question is for Katharine.

I'm looking at Slide 25 in your presentation where you summarized the SPAC discussion. You said that they were seeking flexibility for ports to explore a range of options in the future particularly with economic impacts with COVID-19. And I am just trying to understand that a little more.

So the projections that our consultants put together assume three different scenarios — high, medium, and low productivity. I want to ask if our consultants have taken a look at whether that Slow Growth scenario tracks — is that similar to some of the less optimistic scenarios about how our economy emerges from COVID-19 or are those post-pandemic, economic projections dramatically worse than our slow-growth scenario?

Mr. Smith replied: First off, very few of those projections are trying to look out 32 years. Those are people trying to guess what is going to happen over the next three or four years. And we didn't try to do that.

There is a line on our graph that goes through 2020 and 2021, but I would not lay any money on short-term accuracy. We were strictly trying to get to a point where we had a reasonable range of outcomes for what the demand is likely to be 32 years out. And then to compare that to the available land 32 years out.

Interestingly, the Port of Oakland has actually seen its cargo go up through April. Unlike other ports they didn't lose because our exports through Oakland held up.

There was also a recent analysis just released by the Pacific Maritime Shipping Association that showed that Oakland has not suffered the same market-share losses that Los Angeles and Long Beach have because we have a different balance of cargo here.

So we think that Oakland has a better chance of riding out the storm, so to speak, and maintaining the basic, same pattern of growth that it has had for the last 10 to 15 years.

And that 10 to 15 years includes riding out the dot.com Recession, riding out the Great Recession and the trade disputes of a couple of years ago. If you average those all in, Oakland has been growing at about 2.0 to 2.4 percent overall in the last 10 years and we are projecting something very similar out for the next 30 years because Oakland's future is really based not on what the country as a whole is doing but rather what Northern California, Central California, a little bit of Nevada, and Southern Oregon are doing.

And it is being driven by our exports from those areas and by consumer demand for imports in those areas. It is a very different position than Seattle, Tacoma, Los Angeles, or Long Beach.

Commissioner Nelson interjected: And the projection you just described is the moderate projection, right?

Mr. Smith answered: Yes.

Commissioner Nelson stated: That is very helpful. The last question, the approach here assumes, and I don't want to over-simplify, that when it discusses the number of acres needed it tends to suggest that an acre here and an acre there are equally useful. And that may not be true for a number of reasons.

And one of our speakers discussed the importance of Howard Terminal with regard to managing containers and reducing air quality and transportation impacts on the West Oakland Community. I am hoping that one of you can shed some light on that because we want to make sure we understand not just in gross numbers whether we have enough capacity to move goods through but also that we understand some of the additional implications like the impacts on the Oakland Community.

Can you shed some light on the role of Howard Terminal and how it interacts with the air quality and traffic impacts on West Oakland?

Mr. Smith responded: There is actually an appendix to the Report that specifically addresses the role of Howard Terminal. It does it more on the maritime side. Right now the functions that Andy Garcia and Scott Taylor and Weston LaBar and others have mentioned — the Port of Oakland has been extremely resourceful in finding interim uses for all of its land. There is virtually no empty land out there, they have found some interim use for it.

And one of the key interim uses is truck parking and container staging. The Oakland Community nearby is extremely sensitive to seeing port trucks, containers, chassis parked on their streets.

So there is a long-term commitment between the Port and the City to maintain at least 30 acres for truck parking within the vicinity of the Port so that fewer trucks are parked in the community.

Right now the Howard Terminal is being used to fulfill part of that commitment. One of the slides did mention that we also looked at the long-term availability of ancillary land uses within the Port complex to make sure they would be able to meet that commitment and that there would be space for other functions.

The gentleman from GSC Logistics — they operate a trans-loading facility within the general Port area that takes truckloads of goods from exporters, combines them into containers for export, and then moves them over to the terminals, and they do the same thing for imports.

It is a very vital function to keep all those different flows moving.

So our analysis included a check on all the ancillary land around the Port to make sure there would be enough for future demand for those purposes.

Ms. Pan chimed in: And I would add that, so what you said about not every acre is created equal in what it can serve and what it can do and what can be done on it, what it is connected to et cetera — and so that is something that the SPAC will be considering as they look at the alternatives and they look at the map itself, what some of those impacts might end up being.

Another thing that I would point out is that we are doing an environmental assessment as part of this process to get a better sense of what exactly some of those impacts might be.

This is something that we will be exploring a little bit more. The acreage analysis is one perspective that is really useful for us to do some broad estimates but the specific changes that are being requested of us need to be looked at in a bit more of a fine-grained way.

Commissioner McGrath was recognized: I know a little bit about this. I was part of the consensus that adopted these forecasts. I want to thank the staff, particularly Katharine and the consultants, not just for their work on the forecasts which is what we are mostly talking about today but also for their work at verifying the numbers with the tenants and seeking peer review so that these numbers were robust.

At the end I will talk a little bit about air quality because that was my life for about four or five years.

I'm unusual among the Commission in that I had quite a bit of a hand in the current configuration of the Port of Oakland in my role there.

And I always thought as my responsibility was making an effort to accommodate the future needs of the Port of Oakland and minimize the amount of fill and the footprint. And I think we did that. I never considered those two goals incompatible. Who I represented was the Port of Oakland but I understood BCDC's goal and I understood that success and permitting required as much effort into that as we could.

The economics behind this are perhaps a little less speculative than Will Travis has suggested. The Port of Oakland and the Corps of Engineers prepared jointly not just the environmental documentation for the expansion of the Port and the deepening of the Port but also the underlying documentation which included cargo forecasts and economic analysis. And that was all required by the federal requirements for any authorization that the benefits to the federal bottom line exceeded the costs. And that was very much based on cargo.

And it hasn't changed dramatically. While we don't know the actual rate of growth we do know about cargo trends. We do know about economic trends. We do know about how much of economic activity is involved in the shipping business. We know which firms have invested in shipping bottoms, how big they are, how efficient they are — so those are all the building blocks at the bottom.

While the expansion and the dredging of the Port which are the projects that I appeared on before this Commission or the predecessor Commission and I think Anne remembers me from those days; that created a certain amount of capacity in the Port. And all that capacity is not used.

It made the Port very, very efficient and we can see those efficiencies in these cargo analyses and in the vetting and verification that they did with the tenants. That excess capacity will not last forever.

As long as the economy remains the kind of economy that it is, that is going to be consumed. The only question is at what rate? The economy that exists here is driven 70 percent by consumer economy.

The Port of Oakland is a little bit different than some of the other ports in that it has quite a bit of agricultural product export but the drivers on this are world economy and a U.S. economy. And that U.S. economy is still 70 percent driven by products.

And while the U.S. still remains a very strong manufacturing country — I believe it is still the strongest in the world; those things where the high value-added of U.S. manufacturing is not a key element — a lot has been overseen.

Now COVID-19 – COVID-19 is a huge, economic shock to the world economy. It will most likely slow economic growth for a period of time. I'd guess at least two or three years. It will also make funding of any public gathering almost impossible and very expensive and very risky.

We won't understand the full implications of that in our economics for probably several years. But it will still remain a consumer economy.

Now we've talked a little bit about what that means or whether or not more things should be manufactured in the United States. I can certainly see a case for manufacturing personal protective equipment in this country, shortening the supply chains on certain things — the additional costs involved in that is relatively little and the benefits of not having to wait for the chain are high but those things could only happen with public-policy changes which haven't been initiated much less pursued through the required activities that are really going to change the economy. And it is likely a small element of the overall consumer economy.

So these are conservative but they are built along our responsibility which is to make sure that we don't take actions that lead to unnecessary fill.

Now air quality — it is an interesting discussion that has come up. There are three drivers on air quality that were so much a part of my life for about four years. And we had negotiations with West Oakland with lawsuits, with settlements that gained West Oakland support before BCDC.

Those three elements are the location of emissions. Certainly emissions that are closer to the community have a greater risk to the community. And the emissions we are talking about are mostly diesel particulates.

Second is the amount. And the Port of Oakland was driven by diesel emissions from ships, diesel emissions from on-dock equipment that moved containers around.

The Port of Oakland, bless its heart and I can't take much credit for this because most of it happened after I was gone, has repowered almost all of that equipment so that the amount of diesel emissions have gone down by 90 percent.

But the last piece that I want to remind you of because I think you want to think about this as you go forward and I think I want to respond to Commissioner Butt's questions — the container business is a logistics business.

The fewer times you move a container the less it costs, the more efficient you are and the benefit of that to us at the Port of Oakland and those of us who care about West Oakland is the fewer moves the lower the emissions.

The most efficient configuration that you have for seaport capacity and reducing emissions is to know exactly where a box is coming in, have a chassis ready for it and get it hauled out of the Port as soon as you can.

Most of the mechanisms to increase capacity don't necessarily do that. They generally involve stacking containers higher and higher which may improve the throughput capacity of the Port looking at it per acreage but actually only at the expense of more moves. And those moves cost both emissions and money.

I think this is a really sound analysis. I think the staff and consultants have done the Commission a great service. As my last meeting as a regular Commissioner I am proud to have had a small hand in this. And I will sign off at that point.

Commissioner Gioia commented: As a member of the California Air Resources Board the state of California has been working on a whole freight strategy to essentially move the freight sector to zero emissions.

I am wondering how much analysis occurred in all of this that considers what effect this whole transition of the freight system, including the ship aspect, the maritime aspect, to zero emissions in terms of land availability, in many cases there's a need for increased shore power, which of course Oakland already has; so I just wondered generally how much has been considered because ultimately the inter-relationship between Port and trucking and rail are all important. I know that this issue of air emissions was just discussed. And 20 years from now the hope is that there will be no emissions from these facilities.

Can you talk about how that has been incorporated into the planning?

Mr. Smith responded: Two ways — one is that when we figured the future acreages for the container terminals we actually deducted two acres. We did some research to determine how much extra land electrification was using.

So for example, if the Long Beach Container Terminal, which is completely electrified, their battery-exchange building takes up about an acre with parking around it. And then you may have additional need for sub-stations and other facilities.

So when we looked out to 2050 we actually pulled two acres of land out of each container terminal footprint to allow for the additional infrastructure for electrification, assuming that when we went to high productivity those would be completely electrified.

The other connection in which it was brought up was a discussion about alternate even higher-productivity terminal configurations. But one of those things that the even higher-productivity configurations required was relocating things like chassis pools and empty-container storage off the terminal boundary.

And unfortunately when you do that it generates additional truck trips and additional VMT.

So we did identify a trade-off between highly-aggressive scenarios for productivity and the potential adverse impacts in terms of VMT, community impact, and less greenhouse gases if that is all electrified but we didn't explicitly say all that would be electrified.

Commissioner Gioia noted: And ultimately over a decade they will be electrified. I mean that is really the plan statewide. So a lot of it is just a transition.

It sounds like you have actually considered the reality on the ground of electrification.

Mr. Smith reiterated: That was the goal.

Commissioner Butt spoke: Does the Update require a CEQA review?

Ms. Pan replied: It doesn't. BCDC's planning and regulatory programs have an exemption from CEQA because we have a CEQA-equivalent process in the environmental assessment process.

We will be doing a CEQA-equivalent environmental assessment on the draft that we bring to you. So you'll see a pretty thorough analysis.

Commissioner Butt asked: And when does that happen?

Ms. Pan answered: So that will come with your preliminary recommendation next year. One of the things that we are waiting for is the environmental impact report from the City of Oakland on their Howard Terminal project. We are going to base some of that analysis for that Bay Plan amendment on the information that they provide. But we will be doing an overall, environmental assessment for both Bay Plan amendments.

Commissioner Butt asked: And will it be reviewed to look at our newly-adopted environmental justice policies?

Ms. Pan replied: Yes.

Commissioner Butt observed: I can see both of these getting pretty interesting.

Acting Chair Halsted added: I can see anyone who gets through all of this may have a new Master's in seaport planning.

Ms. Atwell stated: No more hands, Acting Chair Halsted.

Acting Chair Halsted continued: I want to thank Jim McGrath for his leadership in this work. And Jim, I hope you will stay on hand. You were very wise in insisting that we go back to the operators and get confirmation of data. I think that was very helpful.

I also want to really thank Katharine, Cody, Linda, and Jessica for the leadership in pursuing this. This is a tough and very important issue for BCDC and it lays the groundwork for the future. So thank all of you for your tolerance.

If there are no further comments then we will move on to the next item on the Agenda which is a motion to adjourn.

12. Adjournment. Upon motion by Commissioner Nelson, seconded by Acting Chair Halsted the Commission meeting was adjourned at 4:12 p.m.