

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Resolution No. 2023.02

Adoption of Bay Plan Amendment 1-19 San Francisco Bay Area Seaport Plan Update

Whereas, in 1965, the McAteer-Petris Act established the San Francisco Bay Conservation and Development Commission (“BCDC” or “the Commission”) as a temporary State agency, designated the San Francisco Bay as a State-protected resource, and charged the Commission with preparing a plan for the long-term of the Bay and regulating development in and around the Bay while the plan was being prepared;

Whereas, the initial *San Francisco Bay Plan* (“*Bay Plan*”) was approved in 1968, BCDC was made a permanent state agency one year later, and BCDC updates the Bay Plan regularly to ensure that the Bay and its shoreline are developed and conserved responsibly in accordance with BCDC’s governing law, the McAteer-Petris Act, and to address new issues as the Bay Area changes;

Whereas, the Commission, in collaboration with MTC and the five Bay Area ports, adopted the *San Francisco Bay Area Seaport Plan* (*Seaport Plan*) in 1982 as a more specific application of the *Bay Plan*, to minimize the risk of uncoordinated, haphazard Bay fill for port purposes and to encourage the ports to coordinate their planning and development;

Whereas, Government Code section 66652 states that “the Commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declaration of policy” contained in the McAteer-Petris Act;

Whereas, the Legislature directed the Commission to keep the *Bay Plan* up to date so that it reflects the latest scientific research on the Bay and addresses emerging issues that could impact the Bay in the future. To accomplish this, the Legislature empowered the Commission to amend the *Bay Plan* if it pertains to a policy or standard contained in the *Bay Plan* or defines a water oriented use referred in Government Code Sections 66602 or 66605 upon two-thirds (18) of the 27 members of the Commission voting for the amendment, after providing an opportunity for public review of the proposed amendment and after holding a public hearing on the amendment. Over its history, the Commission has made numerous amendments to the *Bay Plan*, ranging from changing a boundary of a *Bay Plan* map designation to addressing new policy issues, such as climate change and environmental justice;



Whereas, on January 17, 2019, the Commission voted to initiate Bay Plan Amendment (“BPA”) No. 1-19 to update the *Bay Plan* and the *Seaport Plan*. The Commission: (1) on January 17, 2019, approved a Brief Descriptive Notice on the proposed BPA and set a public hearing date for December 5, 2019; (2) on April 5, 2019, mailed the Brief Descriptive Notice to all agencies, organizations and individuals interested in the proposed amendment; (3) On November 22, 2019, mailed a Notice of Revised Date of Public Hearing and set a new public hearing date for June 18, 2020, and subsequently mailed additional notices of Revised Date of Public Hearings for March 18, 2021, October 21, 2021, February 17, 2022, September 15, 2022, March 16, 2023, June 1, 2023, September 7, 2023, and November 2, 2023; (4) on September 29, 2023, mailed by first class postal service the Staff Report, Preliminary Recommendation and Draft Environmental Assessment to all agencies, organizations and individuals interested in the proposed amendment and posted the same materials on BCDC’s website for its November 2, 2023 Commission meeting agenda; (5) on November 2, 2023, held a public hearing to receive public comments on the proposed amendment, Preliminary Recommendation and draft Environmental Assessment; (6) on November 9, 2023, mailed the Final Staff Recommendation and Final Environmental Assessment to all agencies, organizations, and individuals interested in the proposed amendment and posted the same materials on BCDC’s website for its November 16, 2023 Commission meeting agendas; and (7) on November 16, voted to adopt the staff’s Final Recommendation and the Final Environmental Assessment, all in accord with the requirements and procedures set out in Government Code Section 66652 and the California Code of Regulations, Sections 11000-06 and 11521-24;

Whereas, the Commission has considered all oral comments presented at the November 2, 2023 public hearing, as well as all written comments received during the public comment period through the public hearing (September 29 to November 2, 2023), and staff has responded to those comments in the Final Staff Recommendation;

Whereas, the Commission has prepared a new *Seaport Plan*, which is hereby incorporated by reference (Exhibit A);

Whereas, the Commission has prepared a Final Environmental Assessment for the proposed Bay Plan amendment (Exhibit B) in accordance with the Commission’s regulations implementing CEQA. As concluded in the Environmental Assessment, BPA No. 1-19 would not result in any direct or indirect significant adverse environmental impacts for which minimization or mitigation measures are required;

Now, Therefore, Be It Resolved that, the Commission hereby adopts the following Bay Plan Amendment: BPA No. 1-19, an update to the *Seaport Plan* and the *Bay Plan*.

Be it further resolved that, the above Bay Plan Amendment adopts a new *Seaport Plan* (Exhibit A).

Be it further resolved that, the above Bay Plan Amendment makes changes to the *Bay Plan Maps 2, 3, 4, 5, and 6*, and associated legends and text, to modify existing Port Priority Use Area boundaries in the Cities of Concord, Oakland, Redwood City, Richmond, San Francisco, and the unincorporated community of Selby in Contra Costa County (Exhibit C);

Be it further resolved that, the above Bay Plan Amendment makes changes to the San Francisco Bay Plan Part IV- Development of the Bay and Shoreline findings and policies for Ports (Exhibit D);

Be it further resolved that, the Commission hereby amends Resolution 16 to modify the above-referenced Port Priority Use Area boundaries within the Commission's shoreline band jurisdiction, with the underlined language added and the language struck through as deleted, as described in Exhibit E.

Be it further resolved that, the above BPA conforms to all relevant policies of Government Code sections 66000 through 66661 as more fully discussed in the Preliminary Staff Planning Report and the Final Staff Planning Recommendation, which are hereby incorporated by reference. Findings regarding consistency of BPA No. 1-19 with the findings and declarations of policy of the McAteer-Petris are more specifically contained on pages 42 to 43 of the Preliminary Staff Planning Recommendation. Revisions to Part I of the *Seaport Plan* provide a simpler, clearer set of findings and policies that the Commission will use to make port-related decisions on permit applications, amendments to the *Bay Plan*, federal consistency determinations, and other related matters that were drafted specifically to ensure consistency with, among other findings and declarations, of policy, Government Code sections 66601 and 66605. Changes to the Port PUA designation boundaries as part of BPA No. 1-19 are consistent with Government Code section 66602 because the proposed changes were specifically evaluated for consistency with General Policy 4 of the existing *Seaport Plan*.

Be it further resolved that, the Commission finds that, based on the Final Environmental Assessment which is hereby incorporated by reference (Exhibit B), there will be no substantial adverse impacts on the environment directly or indirectly created by or resulting from amending the *Bay Plan* or the *Seaport Plan* for which minimization or mitigation measures are required, as further discussed in the Preliminary Staff Planning Report and the Final Staff Planning Recommendation, which are hereby incorporated by reference.

Be it further resolved that, the Commission authorizes the Executive Director to execute an Addendum to a 1978 Memorandum of Understanding between BCDC and the Metropolitan Transportation Commission ("MTC") regarding the *Seaport Plan* and the Seaport Planning Advisory Committee ("SPAC") for the purpose of abandoning the MOU as governing any aspect of the *Seaport Plan*, including composition of the SPAC.

Be it further resolved that, the Commission authorizes the Executive Director to make minor, non-substantive editorial and formatting changes to this resolution, in particular to comply with the determinations of the Office of Administrative Law in its review of the Resolution under the California Administrative Procedures Act.

We certify that this resolution was adopted by a vote of _____ “yes” votes, _____ “no” votes, and _____ abstentions at the Commission meeting held November 16, 2023, in San Francisco, California.

Executed on this _____ day of _____, 2023 in San Francisco, California.

R. ZACHARY WASSERMAN Chair

Executed on this _____ day of _____, 2023 in San Francisco, California.

LAWRENCE J. GOLDZBAND Executive Director

Exhibit A: The San Francisco Bay Area Seaport Plan

The new San Francisco Bay Area Seaport Plan can be found here:

<https://www.bcdc.ca.gov/seaport/Seaport-Plan-Nov-2023.pdf>

Exhibit B: Final Environmental Assessment

The Final Environmental Assessment can be found here:

<https://www.bcdc.ca.gov/BPA/1-19/2023-11-16-Environmental-Assessment-Final.pdf>

Exhibit C: Revisions to Bay Plan Maps

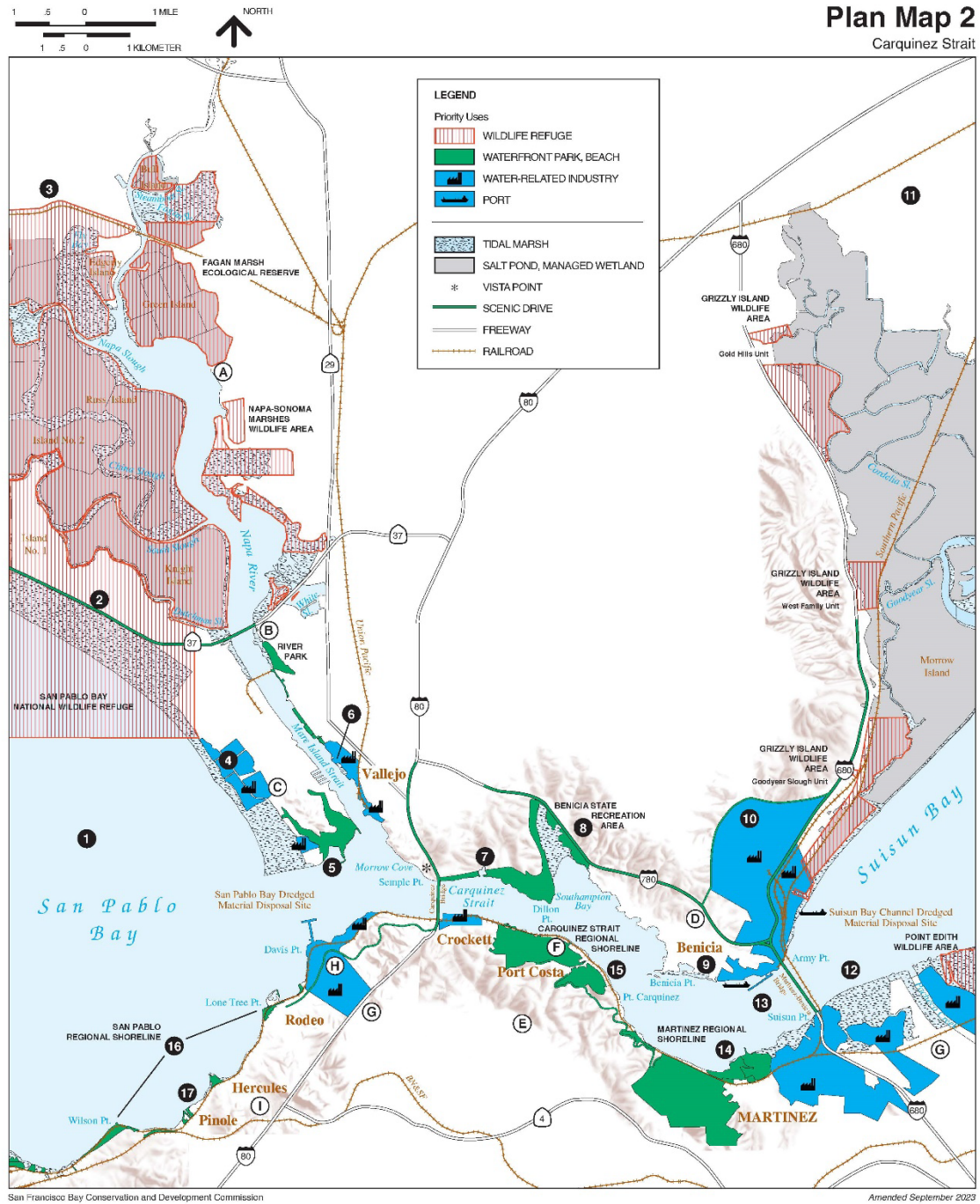
Plan Map 2

Bay Plan Policies and Commission Suggestions

BAY PLAN POLICIES

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

Amended September 2023



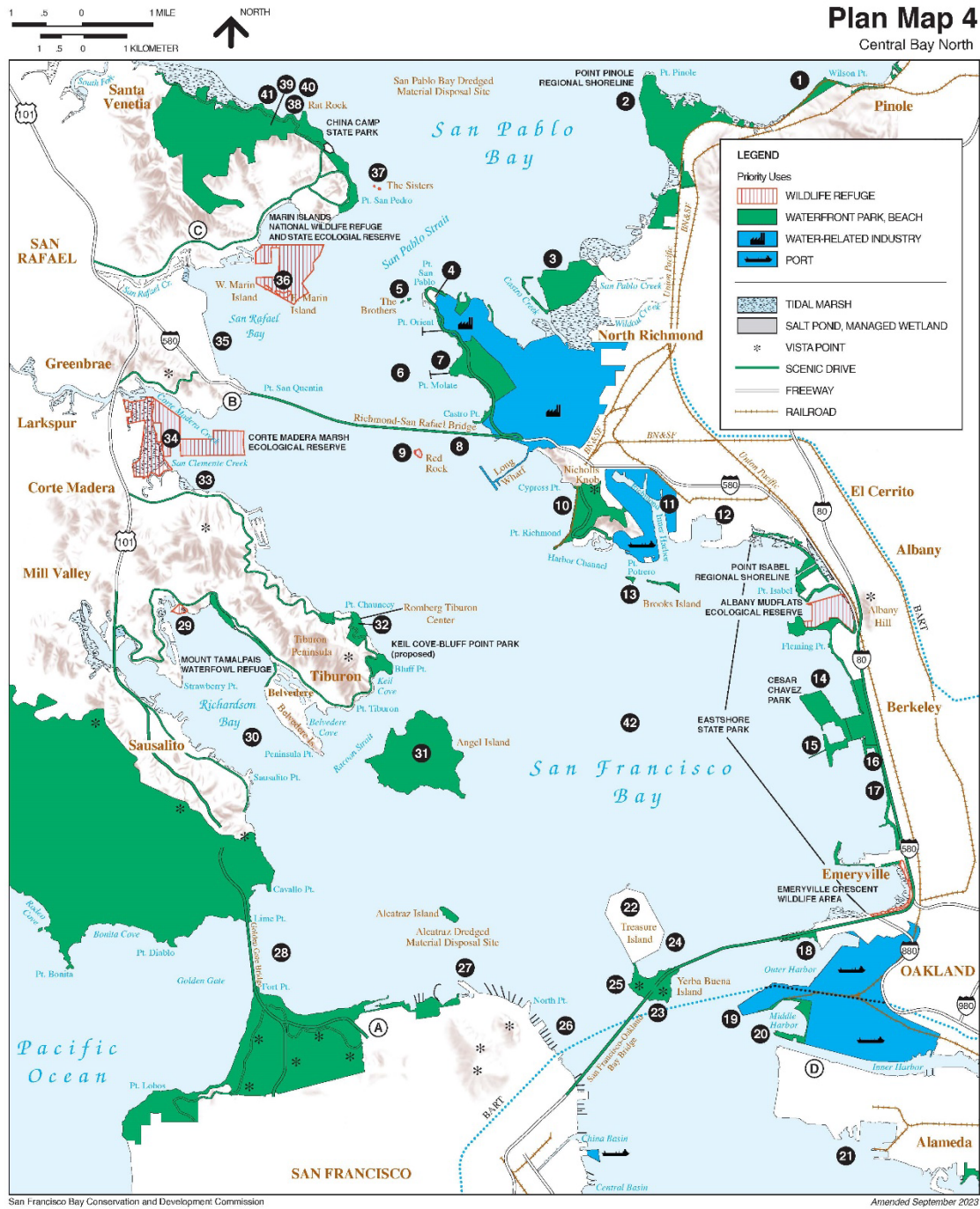
Plan Map 3

Bay Plan Policies and Commission Suggestions

BAY PLAN POLICIES

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

COMMISSION SUGGESTIONS





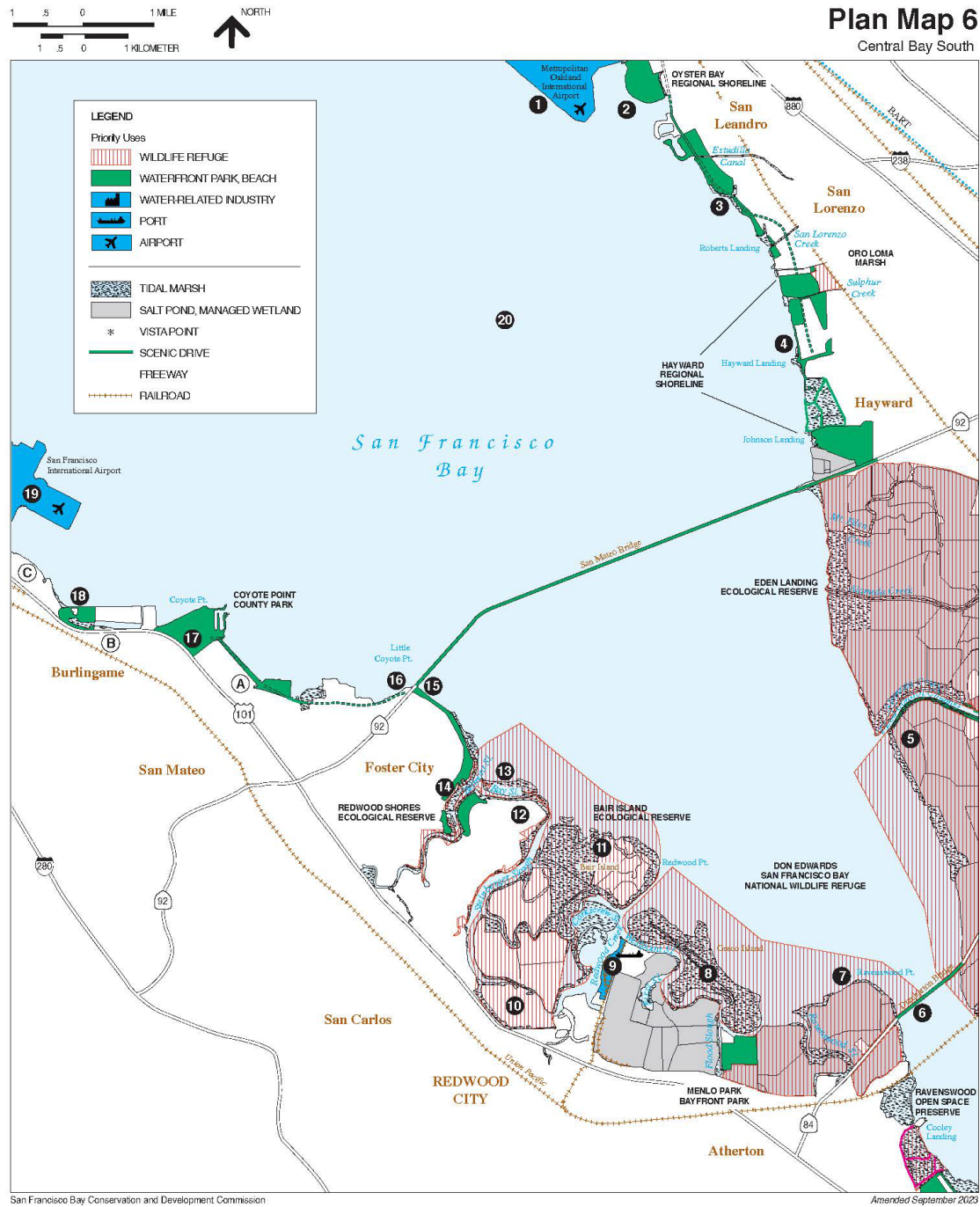


Exhibit D: Revisions to the Bay Plan: Part IV Port Findings and Policies

Revisions to the San Francisco Bay Plan Part IV Port Findings and Policies are below. Deleted text is in ~~strike through~~ and new text is underlined.

Ports

Findings

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

Policies

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

Exhibit E: Port Priority Use Area Boundary Revisions (Resolution 16)

Port of Redwood City

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

Port of Richmond

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

Port of San Francisco

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

Selby

32. A. Selby (~~Port and~~ Industry) (Added by Bay Plan Amendment No. 5–82)
- A. Northeast Boundary: West line of parcel 355-040-010-9, projected northerly.
 - B. Southwest Boundary: West line of parcel 355–040–002–6.

Concord

30. North Contra Costa (Industry ~~and Port~~) (Amended by Bay Plan Amendment Nos. 2-95 and 5 19)

A. East Boundary: East line of Concord Naval Weapons Station.

B. West Boundary: West line of property on Assessor's map page 378-1.