



Legislation Details (With Text)

File #: 2020-0052 **Version:** 1 **Name:**
Type: Action Item **Status:** Passed
File created: 1/28/2020 **In control:** Board of Port Commissioners
On agenda: 3/10/2020 **Final action:** 3/10/2020
Title: RESOLUTION APPROVING THE CALENDAR YEAR 2020 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A

Sponsors:

Indexes:

Code sections:

Attachments: 1. 9. 2020-0052 Draft Resolution

Date	Ver.	Action By	Action	Result
3/10/2020	1	Board of Port Commissioners	adopted	

DATE: March 10, 2020

SUBJECT:

RESOLUTION APPROVING THE CALENDAR YEAR 2020 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A

EXECUTIVE SUMMARY:

BPC Policy No. 018A sets forth procedures for Board Stakeholder Forums, established annually by the Chair, which are intended to provide a venue for the District, tenants, and other interested persons to discuss and provide input on various issues. This year the Chair re-established the Maritime Stakeholder Forum ("Forum"), which was originally formed in August 2017. Pursuant to BPC Policy No. 018A, staff, with input from stakeholders has prepared the calendar year 2020 annual work-plan and recommends approval of the annual work-plan.

RECOMMENDATION:

Adopt a Resolution approving the 2020 annual work-plan for the Maritime Stakeholder Forum pursuant to BPC Policy No. 018A.

FISCAL IMPACT:

There is no direct fiscal impact related to staff's recommendation.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.
- Not applicable.

DISCUSSION:

Board Stakeholder Forums, as set forth in BPC Policy No. 018A, provides a venue for the District, Port tenants, and other interested persons to discuss and give input to the BPC. This year the Chair re-established the Maritime Stakeholder Forum (“Forum”), which was originally formed in August 2017.

Forum Charter

The highlights of the Forum’s Charter as approved by the Board in 2017 include the following:

- Forum composition will consist of two members of the Board of Port Commissioners, maritime staff, and a representative cross-section of maritime, community and civic stakeholders, adjacent communities, and is open to the public.
- The goals of the Forum include:
 1. Fostering innovative maritime business and trade development.
 2. Enhancing maritime industry relationships and relationships with adjacent communities, including balancing business goals with improving the environment, public health, and worker health and safety.
 3. Providing stakeholder feedback on significant maritime projects/plans, including the Port Master Plan Update and preservation of maritime property and Coastal Act issues.
- The Forum will meet at least quarterly to discuss items on the Board-approved annual work-plan.
- The Forum will have no authority to negotiate for, represent, or commit the District in any respect. There will be no voting on any matter being discussed by the Forum participants.
- The Forum was created to provide a venue to discuss the topics stated in the Board approved annual work-plan. The Board retains the final authority on all matters. Forum participants are not authorized to give direction to District staff.
- Forum discussions will be focused on items contained in the annual work-plan adopted by the Board. Annual work-plans may be modified by the Board.

- District staff will support requests for information and will create summary reports of the Forum discussions for the Board after each session is held.
- The public is welcome to attend, and there will be an opportunity for public comment at each Forum meeting.

Proposed 2020 Annual Work-Plan

Staff recommends the approval of the 2020 annual work-plan. The proposed work-plan includes:

1. Ways to foster innovative Maritime business and trade development
2. Ways to enhance Maritime industry relationships
3. Cargo Business Update
4. Cruise Business Update
5. Maritime Month
6. Planning and Green Port Initiatives Related to Maritime and Regulatory Update
7. Maritime Infrastructure Update
8. Stakeholder Highlights: Cargo, Cruise, Shipbuilding/Ship repair, Commercial Fishing and Service Provider
9. Other Significant Emergent Maritime Issues

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda and draft resolution, as presented, as to form and legality.

Environmental Review:

The Board action, including without limitation, a resolution approving the Calendar 2020 Annual Work-Plan of the Maritime Stakeholders Forum pursuant to BPC Policy No. 018A, does not constitute an "approval" or a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's action or direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The current Board direction in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, this Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California

Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

The Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because they will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The prospective Board’s action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Mike LaFleur
Vice President, Maritime