

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/12/2025
Item No.: 6.2
CLF/pcm

McR

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION FOR \$49.5 MILLION OF FISCAL YEAR 2024 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM FUNDING, WHICH REQUIRES \$16.5 MILLION IN MATCHING FUNDS, TO IMPLEMENT THE OUTER HARBOR TERMINAL - MODERNIZING WHARF INFRASTRUCTURE FOR EFFICIENCY AND SAFETY AT THE PORT OF OAKLAND PROJECT AS A COMPONENT OF THE OUTER HARBOR WHARF MODERNIZATION PROJECT; AND ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING AND REPORTING PROGRAM FOR THE OUTER HARBOR WHARF MODERNIZATION PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2, dated June 12, 2025 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the proposed Outer Harbor Wharf Modernization Project ("Project") is subject to the California Environmental Quality Act ("CEQA") and adopts the Mitigated Negative Declaration ("MND"). The IS/MND was circulated for public comment on March 5, 2025, comments were received and addressed, and the IS/MND was finalized on April 4, 2025. The final IS/MND includes identified mitigation measures to reduce all identified potentially significant effects to less than significant.

Section 2. The Board hereby approves and authorizes the Executive Director of the Port to:

A. Accept a \$49,500,000 Port Infrastructure Development Program Grant with \$16,500,000 of matching funds from the United States Department of Transportation Maritime Administration ("MARAD") to implement the Project;

B. Execute a grant agreement and all other documents necessary to accept the grant and grant funds with MARAD;

C. Make any additions, modifications, or corrections necessary to execute the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report and are approved as to form and legality by the Port Attorney.

Section 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This resolution shall be effective immediately upon adoption by the Board.