

AGENDA REPORT

RESOLUTION: Approve Seaport Air Quality 2020 and Beyond Plan Year Two (2021) Recommendations: Add West Oakland Environmental Indicators Project (WOEIP) “Prescott Greening/Living Buffer” project to the 2020 and Beyond Plan as a “Related Project”; Add Two New Implementing Actions to the Near Term Action Plan (NTAP): 1) Require Cleaner Dredging and 2) Support Hydrogen Fuel Cell Demonstration Project; Authorize \$10,000 in FY 2022 to support the existing National Oceanic and Atmospheric Administration (NOAA) Vessel Speed Reduction (VSR) Program **(Maritime)**

MEETING DATE: 9/30/2021

AMOUNT: \$10,000
Choose an item.

PARTIES INVOLVED: National Oceanic Atmospheric Administration (NOAA)

Choose an item.

SUBMITTED BY: Bryan Brandes, Maritime Director
Richard Sinkoff, EP&P Director

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: None

EXECUTIVE SUMMARY:

This Agenda Report is a companion to the Seaport Air Quality 2020 and Beyond Plan Annual Report (Year 2), which Port staff will present concurrently on September 30, 2021. This Agenda Report recommends two new Implementing Actions for inclusion in the Near-Term Action Plan. It also recommends that the Board authorize \$10,000 to support the existing NOAA/BAAQMD Vessel Speed Reduction (VSR) Program and support the “Prescott Greening Project/Living Buffer” project, an interagency effort by the Alameda County Transportation Commission (ACTC), the Metropolitan Transportation Commission (MTC) for the West Oakland Environmental Indicators Project (WOEIP) design project to create a green buffer to abate air quality, noise, and dust affecting residents.

BACKGROUND

The Seaport Air Quality 2020 and Beyond Plan (“2020 and Beyond Plan” or “Plan”), the Port’s plan for achieving its vision of a zero-emissions Seaport includes a feasibility analysis and stakeholder consultation process to add new emissions reduction actions to the Near-Term Action Plan (“NTAP”). The screening and evaluation process is detailed

in Appendix D of the Plan. It includes five pass/fail criteria for screening and seven criteria for feasibility and project prioritization.

The Co-Chairs of the 2020 & Beyond Task Force Steering Committee met on March 31, 2021. At the request of the Port, the Bay Area Air Quality Management District (“BAAQMD”) and West Oakland Environmental Indicators Project (“WOEIP”) presented a work plan of ten action items for screening and evaluation (“March 31, 2021, WOEIP Work Plan”).

ANALYSIS

Pursuant to the Plan screening and evaluation methodology, the Port analyzed the ten proposed action items.

Table 1: Summary of Screening and Evaluation of March 31, 2021, West Oakland Environmental Indicators Project Work Plan

New Item	Description	Outcome of Screening & Feasibility Evaluation	Recommendation Update to 2020 & Beyond Plan
1	Prescott Greening/Living Buffer Project	Did not pass screening because this action does not directly reduce emissions.	Support the project and include in “ Related Items ” Table 3 of the Plan as a project that contributes to quality of life in West Oakland.
2	Require clean dredges	Did not require evaluation because already underway	Include as a new item in the NTAP (Implementing Action #40)
3	Hybrid RTGs	Did not require evaluation because already in NTAP (#1)	Port is working with TraPac and Everport to convert remaining diesel RTGs to hybrid or cleaner RTGs subject to available funding.
4	20% of truck trips done by electric trucks by 2025	Prioritized high using feasibility criteria	Port and BAAQMD to collaborate on identifying next steps.
5	Publish plans by December 31, 2023, to convert 100% of Cargo Handling Equipment (“CHE”) to ZE.	Prioritized high using feasibility criteria	Revise Port Environmental Ordinance (see related Agenda Report.)
6	Shore power at every berth	Did not require evaluation because already in NTAP (#2)	None needed – already underway

7	90% of tug work done by cleaner tugs by 2025	Did not require evaluation because this just adds a target to an action already in NTAP (#38)	None needed – already underway
8	Deploy widespread truck charging infrastructure by 2022	Did not require evaluation because already in NTAP (#9-12)	None needed – already underway
9	Use LCFS money to build renewable electricity installation by 2025 and purchase electric vehicles	Did not require evaluation because already in NTAP #8, #10, #37	None needed – already underway
10	Dedicate money in Port's Capital Improvement Budget towards zero emissions fueling	Ongoing on a per-project basis, does not require inclusion in NTAP	None needed – already underway

Hydrogen Fuel Cell Demonstration Project

In addition to the ten new suggested items, Port staff re-evaluated a previous suggested action (Suggested Action #280: Pursue a Hydrogen Fuel Demonstration Project) due to changed circumstances. Previously, this action scored High for Acceptability and Need, but scored Low for Exposure Reduction, Cost-Effectiveness, Commercial Availability, and Operational Feasibility and scored “Unknown” for Affordability. However, after the original analysis, the California Air Resources Board and California Energy Commission put forth a joint grant opportunity for a large-scale zero-emission truck fleet demonstration project.

The Center for Transportation and the Environment (“CTE”) assembled a team, including BAAQMD, WOEIP, East Bay Municipal Utilities District (“EBMUD”), Hyundai, Glovis America, and First Element Fueling, and applied for the grant. The Port wrote a strong letter of support for the project. The CTE team was successful, and this project will bring 30 hydrogen fuel cell trucks to the Port, along with a hydrogen fueling station built on EBMUD property. **For this reason, staff recommend including this project in the NTAP as Implementing Action #41.**

Vessel Speed Reduction

NTAP #26 is an action for the Port to evaluate Vessel Speed Reduction (“VSR”). As part of the Port’s study on Performance Incentive Programs for Ships and Tugs (dated November 2020 and presented to the Board on December 17, 2020, as directed by Resolution 19-41), Port staff determined that VSR is the best incentive program – compared to other “green vessel” programs currently available - to meet the goals of the 2020 & Beyond Plan. The conclusion of that vessel incentive study was that the Port should support the existing VSR

program run by the National Oceanic and Atmospheric Administration (“NOAA”) called “Protecting Blue Whales and Blue Skies.”

Port staff met on May 26, 2021 with NOAA and on June 7, 2021, with NOAA and BAAQMD to discuss Port support of the program. According to NOAA, the program is adequately funded through outside sources for the calendar years 2021 and 2022. However, NOAA and BAAQMD expressed a need for communications and outreach support for the VSR program. Accordingly, Port staff recommend that the Board support the VSR program in FY 2022 with a \$10,000 grant to support communications efforts, such as social media, outreach to shipping lines, and participation recognition programs. Port staff will return to the Board in FY 2023 with a budget request if additional financial support needs are identified by NOAA at that time.

Prescott Greening Project/Living Buffer: WOEIP presented the Prescott Greening Project/Living Buffer as a priority in its “March 31, 2021 Work Plan”. The project envisions a design effort on the western perimeter of the West Oakland residential neighborhood to address air quality, dust, noise and water quality issues related to industrial uses and transportation, uses such as regional freeways, rail and railyard operations, Seaport operations and local industries. The design effort, including project management is estimated to cost \$1.5 million. Alameda County Transportation Commission (ACTC) and the Metropolitan Transportation Commission (MTC) are finalizing \$900,000 in grant funding. WOEIP has secured a \$125,000 CARB grant. This Agenda Report recommends that the Port support the Prescott Greening Project/Living Buffer in principle and return to the Board with a recommendation regarding funding and form of agreement.

Summary

In summary, Port staff recommend:

1. Revise “Related Projects” Table to add Prescott Greening/Living Buffer project to the 2020 and Beyond Plan.
2. Add two Implementing Actions to the Near-Term Action Plan.
 - a. NTAP #40: Require Clean Dredge Engines
 - b. NTAP #41: Support Hydrogen Fuel Cell Demonstration Project
3. Support the existing National Oceanic and Atmospheric Administration (NOAA)’s existing Vessel Speed Reduction (VSR) program known as “Protecting Blue Whales and Blue Skies” by contributing \$10,000 in FY 2022 to support communications and outreach efforts. Authorize the Executive Director to enter into an agreement with NOAA for the use of these funds.

BUDGET & STAFFING

The \$10,000 for the Vessel Speed Reduction Project is funded in the Fiscal Year (FY 2022) Operating Budget. Adding two new Implementing Actions to the Near-Term Action Plan does not result in a change to the Port’s staffing levels.

As a trustee managing submerged lands and tidelands on behalf of the People of the State of California, Port funds are held subject to the common law public trust exclusively for statewide public trust purposes such as maritime commerce, navigation, and fisheries. The VSR grant

proposed is consistent with the public trust because these funds will be used to improve the performance of ships and tugs engaged in maritime commerce.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement and the provisions of MAPLA do not apply.

STRATEGIC PLAN

The actions described would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022):

- Goal: Care for the Environment/Objective: Develop an updated Maritime Air Quality Improvement Plan (MAQIP, 2009) beyond 2020.

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

LIVING WAGE

Living wage requirements in accordance with the Port's Rule and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements ("the Living Wage Regulations") do not apply because the requested action is not an agreement, contract, lease or request to provide financial assistance within the meaning of the Living Wage Regulations.

SUSTAINABILITY

The recommendations in this Agenda Report support implementation of the Seaport Air Quality 2020 and Beyond Plan. Implementation of the 2020 and Beyond Plan supports the Port of Oakland Sustainability Policy (2000), particularly the Air Quality, Climate Change and Alternative Fuel and Equipment categories.

ENVIRONMENTAL

CEQA Determination: The Board approved the Seaport Air Quality 2020 and Beyond Plan on June 13, 2019 (Resolution 19-41) in accordance with CEQA.

Port staff reviewed the recommendations in this Agenda Report, including edits to the Seaport Air Quality 2020 and Beyond Plan in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The CEQA Guidelines, Section 15061(b)(3) ("common sense exemption") state that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that the proposed

actions will not have a significant effect on the environment, they are not subject to CEQA. No further review under CEQA is required for the proposed actions.

GENERAL PLAN

The recommendations in this Agenda Report do not change the use of any existing facility, make alterations to an existing facility, or create a new facility. Therefore, the General Plan conformity determination pursuant to Section 727 of the City of Oakland General Plan is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This action is not subject to the Port's Owner Controlled Insurance Program as it is not a capital improvement construction project.

RECOMMENDATIONS

1. Revise "Related Projects" Table to add Prescott Greening/Living Buffer project to the 2020 and Beyond Plan.
2. Add two Implementing Actions to the Near-Term Action Plan.
 - a. NTAP #40: Require Clean Dredge Engines
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3. Support the existing National Oceanic and Atmospheric Administration (NOAA)'s existing Vessel Speed Reduction (VSR) program known as "Protecting Blue Whales and Blue Skies" by contributing \$10,000 in FY 2022 to support communications and outreach efforts. Authorize the Executive Director to enter into an agreement with NOAA for the use of these funds.