

San Francisco Bay Conservation and Development Commission

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TO: Bay Fill Policies Working Group Members

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: January 8, 2015 Commission Fill Policies Working Group Meeting Summary

1. **Call to Order and Future Meetings.** Bay Fill Policies Working Group Chair, Barry Nelson, called the meeting to order at approximately 11:00 am.

2. **Roll Call.** Present were Commissioners Barry Nelson, Chair, Jason Brush, Jane Hicks, Jim McGrath, and Sean Randolph.

The Working Group agreed to meet every third Thursday of the month starting in February 2015, from 11:00AM to 12:30PM. Meeting locations will be noticed at least 10 days prior by staff, but will generally be at the same location as the Commission meeting.

3. **Comments on the Summary of December 4, 2014 Meeting.** The Working Group asked staff to correct the previous meeting summary date from the November 20, 2014 to December 4, 2014.

4. **Public Comment.** There were no public comments.

5. **Fill Policies Review and Discussion.** BCDC staff provided a presentation regarding the McAteer-Petris Act and Bay Plan policies that address Bay fill.

6. **Working Group Discussion. Commissioners discussed various McAteer-Petris Act and San Francisco Bay Plan Bay fill policies. Commissioners observed that:**

a. The McAteer-Petris Act appears to be flexible enough to allow the Commission to address some of the Bay fill issues raised by rising sea level, even though the authors did not originally address sea level rise.

b. The Commission needs to be able to interpret its current policies, or adopt the new policies necessary to create a resilient region.

c. Certain policies may frustrate, or be inconsistent with achieving resilience, such as requiring creation of a permanent shoreline or policies addressing surface area and volume.

d. Many recent and planned adaptation projects incorporate creative shoreline protection strategies, including horizontal levees, and other elements to address ecological concerns.

e. Although the McAteer Petris Act and the Bay Plan require that fill projects must be for water oriented or water dependent activities, the region will need to be able to protect existing and planned non-water-oriented uses from flooding.

f. The Working Group should examine the potential interpretations of Climate Change Policy 3, as well as how to address tidal barriers, barrages and sills.

g. The Working Group should explore beneficial reuse of dredged sediment, including how the Clean Water Act and McAteer Petris Act treat in-bay disposal as pollution rather than as a turbidity issue, and new dispersive sites as adaptation strategies.

h. There may be a need to reconcile BCDC policies with those of other state and federal agencies, which also address fill in the Bay, and in tidal and seasonal wetlands.

7. Advisory Group Role and Membership: Working Group members discussed the role and membership of an Advisory Board to assist the Working Group:

a. Staff presented a list of potential advisory committee members.

b. Working Group members discussed a proposal for how the working group will interact with the Advisory Committee and raised a number of questions.

(1) What is the charge/goal of the Advisory Committee (AC)?

(2) How many members are needed to form the AC and how will they participate?

(3) How will the advice of the work group be received and used?

(4) Importance of bringing the right stakeholders to the table.

The Working Group requested that these issues be examined at its next meeting.

8. New Business. The Working Group members requested that staff prepare the following for its next meeting:

a. A more in depth discussion of what the BFWG group would do and why;

b. Present an historical context for Commission consideration and authorization of Bay fill projects, including a focus on the recently amended shoreline protection policies;

c. Present a list of issues that stakeholders have expressed concerns about; and

d. Provide a summary of progress on the NOAA-funded Policies for a Rising Bay Project.

9. Adjournment. The meeting was adjourned at approximately 12:30 p.m.