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: Draft Minutes of May 19, 2016, Commission Bay Fill Policies Working Group Meeting

1. **Roll Call, Introductions, and Approval of Agenda.** Bay Fill Policies Working Group (BFWG or Working Group) Chair Barry Nelson called the meeting to order at t 11:07 a.m. and asked everyone to introduce themselves.

Working Group members in attendance included Commissioners Barry Nelson, Jim McGrath, and Sean Randolph. Also in attendance were Commissioner Anne Halsted, Steve Goldbeck, Lindy Lowe, Christine Nutile, Isaac Pearlman, Naomi Feger (SF Bay Water Board), Jack Fiscetti, (Bay Planning Coalition), and Jill Singleton (Cargill).

2. **Approval of March 17, 2016, Meeting Summary.** Chair Nelson tabled this item to the next BFWG meeting.

3. **Policies for a Rising Bay Update.** Ms. Lowe stated Isaac Pearlman is the new Project Manager for the Policies for a Rising Bay project (PRB), since Miriam is out on leave. Draft recommendations on the project will be presented to the Steering Committee next Tuesday. Mr. Pearlman provided an overview, of the background, objectives, steps in the process, composition of stakeholders, core values, case studies, current activities, key findings, and next steps of the Policies for a Rising Bay project.

a. **Questions and Discussion:** Commissioner McGrath noted two pieces that are missing in the staff reports and analyses:

(1) Ways to preserve sediment in transition zones, which serve an important function in wetlands. He used Sonoma Creek Project as an example – rapid sedimentation at the mouth of the creek was too rapid to form a channel system and transition zones.

(2) The optimal amount of tidal prism, which needs to be determined and maximized for flood control and water quality benefits. Sonoma Creek and San Francisco Creek project examples illustrate that hydrology in tidal creeks depends on tidal prism in the lower realm.

Naomi Feger, of the San Francisco Bay Regional Water Quality Board, asked if contaminated parcels referred to landfills or brownfield-type parcels. Ms. Lowe stated they refer to both. Ms. Feger asked if the concern is no jurisdiction or oversight over them. Ms. Lowe stated jurisdiction is not a concern, but that in the past landfills were closed without recognition that rising sea level could raise ground water levels or erode and inundate them. This will no longer happen because the BCDC and the Water Board will ask for Adaptive Management Plans. Ms. Feger agreed and stated the Water Board assesses landfills on a case-by-case basis. Commissioner McGrath stated he tried to close that loop when the issue was raised. He stated the need to ensure that the Environmental Justice Community understands they have been heard. Ms. Lowe stated it is more important to clearly communicate what risks are and are not based on reality. The communication to the communities has not been clear enough about what the potential risk is, which causes unnecessary increased worry. Commissioner McGrath stated advocacy groups from the Hunters Point area, West Oakland, and Richmond spoke up on this issue.

Chair Nelson stated the next agenda item is a discussion on what has been learned so far and where it takes the BCDC. There is overlap in terms of the policy issues being raised in the Policies for a Rising Bay process. He asked how this work will be brought together to ensure that everything possible is learned from the NOAA process and the results are incorporated into the next steps. Ms. Lowe stated important components to conjoin efforts are introducing the Policies for a Rising Bay findings to the BFWG, communicating the findings of the BFWG to the staff, collating and combing the findings, and ensuring that the Commission workshops include the findings and recommendations of the two that are relevant to the proposed actions of the Commission. Mr. Goldbeck stated this staff work (PRB), to be finalized by June 30th, was contracted by the National Oceanic and Atmospheric Agency (NOAA. The results of this work will help the Commission workshops and the BFWG, and the Commission will look to the BFWG to work with the staff to consider potential policy amendments.

Chair Nelson stated the next agenda item is about next steps, but there will be two more meetings before the Committee sees the final NOAA document. He asked about the order of business of the June meeting before the NOAA due date. Ms. Lowe stated staff will have a fairly strong understanding of what will come out of the NOAA-funded phase by the June meeting. She suggested providing a more detailed report to this Committee to dig deeper, because the report to the Commission will be more of an overview.

Chair Nelson agreed with a more detailed reporting in June.

Commissioner McGrath stated his confusion over how the three parallel efforts will be coordinated in a coherent manner. Chair Nelson stated the NOAA-funded phase will be completed, so that effort and the BFWG effort will then come together.

4. **Summary of Habitat-Related Policies and Briefings.** Chair Nelson stated this agenda item that asks Committee members where to go from here as a work group will be influenced significantly by what the Commission does at the workshop. The staff summary of BFWG activities was included in the meeting packet. He asked Mr. Goldbeck to review the outline of the report. The Committee can then discuss how to move forward.

Mr. Goldbeck provided a quick overview of the report, which summarized the highlights from past BFWG meetings. He stated the need to clarify terms to describe resilience approaches using habitat. Ms. Lowe agreed and stated the need for clarity between horizontal levees versus fill to protect or adapt wetlands. Mr. Goldbeck reviewed the questions at the end of the report, such as what the relationship of the Committee is to the Commission workshops. He stated there will be more clarity on the overall direction of the Commission by the end of today's Commission meeting. He speculated that the Commission will still look to the BFWG to address issues of fill, habitat, and policy direction.

a. **Questions and Discussion:** Commissioner McGrath suggested that the dredged material section be reflected in the summary, because there is a limited volume of available dredge material, there is a limited capacity for redistribution by tidal currents with direct discharge, and the models indicate the direct input to wetlands from bottom dumping and redistribution is relatively small. The indirect impacts are probably much greater. This brings up the policy questions of whether it is worth it to have in-Bay fill, greater turbidity, and uncertain trajectory for where that material goes, and whether to consider recommending additional pilot projects to develop the science.

Chair Nelson tabled Item II. C. on page 14 of the staff report regarding the series of Commission workshops to the next meeting.

Chair Nelson stated, regarding Items II. A and B, this report makes a distinction between the built environment and habitat. Types of permits tend to fall into those categories, but the Bay Plan policies are largely separate. He suggested thinking of them as separate items but recognizing that there will be overlap between them. Commissioner McGrath agreed that Items A and B can be separate, but if the Committee broadens its considerations from a close look at fill to a landscape-level of resiliency and habitat, they can merge even more.

Chair Nelson stated there are programs underway that will develop valuable information for policy change. He stated the need for technical assistance for staff to learn to write draft policy changes. Chair Nelson stated an important piece of the salt pond story is the hope that dredge material can be reused inside the salt ponds. He asked Mr. Goldbeck to describe project possibilities. Mr. Goldbeck stated staff is in conversation with the Coastal Conservancy about the timing of such projects coming in the near future to enable the Commission to plan, both in terms of which can serve as pilot projects and which might pose policy concerns that need to be addressed.

Mr. McGrath stated it is incumbent upon the Committee to set up a planning process to gather the information needed. Ms. Feger stated the Water Board is close to funding the San Francisco Estuary Institute (SFEI) to work on shoreline resiliency and adaptation strategies. All of these things converge, and it is difficult to tease them out separately and keep track of issues because of the overlap. Ms. Lowe stated the need to refine and become more specific in some of these actions at future Commission workshops. Chair Nelson stated the need, under Item II. B, to develop a planning strategy that is designed to inform future decisions about regulatory requirements for in-Bay placement.

Commissioner McGrath agreed and suggested bringing in federal partners, such as the National Marine Fisheries Service (NMFS) and the Federal Emergency Management Agency (FEMA).

Ms. Feger asked about projects dealing with the shoreline levy at the South Bay Salt Pond Project. Mr. Goldbeck stated there may be other projects besides the Coastal Conservancy and restoration projects. He suggested looking at the various projects that may be proposed. Ms. Feger stated some of the uncertainties have to do with habitat. There are many projects proposing increased fill. For Item II. B., policies need to look at the temporal tradeoffs, and there is still much uncertainty. Chair Nelson suggested building the Committee calendar around the issues in Items A and B. He asked staff to put together an inventory of key issues for Item II. B, habitat, for Committee discussion, such as in-Bay placement, the overlap between Items A and B, mitigation banking and landscape scale strategies, adaptive management, the Dredged Material Management Office (DMMO) for adaptation permitting, and others for the Committee to select one or two for discussion and work through the issues over the next six months, and also do the same for Item A.

Commissioner McGrath suggested taking Alexis Strauss, the Regional Administrator, up on her offer to help bring the Corps and the NMFS to the table. Chair Nelson asked if Committee Members had suggestions to staff for Item II. A., the built environment. One of the overlaps with restoration planning is mitigation banking. Commissioner McGrath suggested shifting the focus in the built environment to public access. He used the trails around Strawberry Point, which are prone to flooding, as an example. Chair Nelson stated there are three threads to draw on to come up with the eight to ten key issues for the Committee to wrestle with for Item II. A. There is the work that has been done in this working group, the NOAA process, and ART.

Mr. Goldbeck suggested inviting a speaker to make a presentation for the Committee on the built environment issues, such as barriers. Ms. Lowe suggested doing Item II. B., habitat, first because the Bay lands questions fit better with the Policies for a Rising Bay project and it is a natural connection.

Chair Nelson set the agendas for the next two BFWG meetings as follows:

(1) The June meeting agenda will be on the Commission direction, the NOAA [Policies for a Rising Bay] results, and the inventory of key issues for Item II. B., habitat.

(2) The July meeting agenda will be on the inventory of key issues for Item II. A., the built environment, and developing a work plan and schedule.

5. **Adjournment.** There being no further business, Chair Nelson adjourned the meeting at 12:36 p.m.