

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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TO: Commissioners and Alternates

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**SUBJECT: Senate Bill 1184 (Hancock) San Francisco Bay Conservation and Development
Commission: Sea Level Rise: Regional Resilience Strategy
(For Commission Information Only)**

Staff Summary

The attached Senate Bill 1184 was introduced on February 20, 2014, by State Senator Loni Hancock. It directs BCDC to work with local governments, regional, state and federal partners and other interested parties to prepare a regional resilience strategy to adapt to rising sea level in and along the San Francisco Bay and shoreline. This strategy could then be included as part of the Bay Area's Sustainable Communities Strategy (SCS).

The provisions of the bill are consistent with the Commission's climate change policies and its Strategic Plan. While the bill, as introduced, calls for completion by 2015, staff believes that it will take additional time and adequate funding to develop the strategy. In this regard, the 2017 update of the SCS is a key milestone for regional resilience planning. Staff will continue to work with Senator Hancock's staff on this legislation.



Making San Francisco Bay Better

BILL NUMBER: SB 1184 INTRODUCED BY SENATOR HANCOCK
FEBRUARY 20, 2014 An act
to add Section 66649 to the Government Code, relating to the San
Francisco Bay Conservation and Development Commission.

LEGISLATIVE COUNSEL'S DIGEST SB 1184, as introduced,
Hancock. San Francisco Bay Conservation and Development Commission: sea
level rise: regional resilience strategy. Existing law, the McAteer-
Petris Act, establishes the San Francisco Bay Conservation and
Development Commission, and requires the commission to regulate fill
and development within a specified area in and along the shoreline of
the San Francisco Bay area, and to implement comprehensive plans for
the preservation and protection of the San Francisco Bay and the Suisun
Marsh. Existing law authorizes the commission to develop regional
strategies for addressing the impacts of, and adapting to, the effects
of sea level rise and other impacts of global climate change on the San
Francisco Bay and affected shoreline areas. This bill would require
the commission, in collaboration with various other state, regional,
and local government agencies, to take action to protect San Francisco
Bay area residents from potential inundation and flooding resulting
from sea level rise by preparing a regional resilience strategy for
adapting to rising sea levels in the San Francisco Bay, containing
specified components. The bill would require the commission, no later
than December 31, 2015, to complete the strategy and submit to the
Legislature its recommendations for future actions to be taken
regarding sea level rise. Vote: majority. Appropriation: no. Fiscal
committee: yes. State-mandated local program: no. THE PEOPLE OF THE
STATE OF CALIFORNIA DO ENACT AS FOLLOWS: SECTION 1. The Legislature
finds and declares all of the following: (a) The San Francisco Bay
Conservation and Development Commission is a state agency with
responsibility for comprehensively managing the conservation and
development of the San Francisco Bay and its shoreline, and the
protection and preservation of the Suisun Marsh. The commission carries
out this responsibility under the provisions of the McAteer-Petris Act
(Title 7.2 (commencing with Section 66600) of the Government Code)
(MPA), the policies of the San Francisco Bay Plan (Bay Plan), the
Suisun Marsh Preservation Act of 1977 (Division 19 (commencing with
Section 29000) of the Public Resources Code) (SMPA), and policies of
the Suisun Marsh Protection Plan (Marsh Plan). (b) The commission is
composed of 27 members, appointed by a variety of authorities,
including the Governor, the Speaker of the Assembly, the Senate
Committee on Rules, the boards of supervisors of each of the nine San
Francisco Bay area counties, the Association of Bay Area Governments,
the Transportation Agency, the Department of Finance, the State Lands
Commission, the Natural Resources Agency, the San Francisco Bay
Regional Water Quality Control Board, the United States Army Corps of
Engineers, and the United States Environmental Protection Agency.
(c) The commission's large and diverse membership, which includes
representatives from diverse interests in the San Francisco Bay area,
allows the commission to serve as a coordinator for affected agencies
and the public, where the public and those agencies can collaborate and
communicate their interests and perspectives, and reach consensus on
how to address critical issues affecting the San Francisco Bay. (d)
The Legislature has directed the commission to keep the Bay Plan up to
date so that it reflects the latest scientific research on the San
Francisco Bay and addresses emerging issues that could impact the bay
in the future. To accomplish this, the Legislature has empowered the
commission to amend the Bay Plan if two-thirds or 18 of the 27 members
of the commission vote for the amendment, after providing for public

review and a public hearing. Section 66652 of the Government Code authorizes the commission to amend, or repeal and adopt a new form of all or any part of, the Bay Plan, but requires that those changes be consistent with the findings and declarations of the policy contained in the MPA. Section 29202 of the Public Resources Code further authorizes the commission to amend provisions of the SMPA. (e) When the MPA, SMPA, Bay Plan, and Marsh Plan were written, the commission was unaware of the dynamic forces driving changes to the San Francisco Bay and the Suisun Marsh. In the 1960s and 1970s, the San Francisco Bay and the Suisun Marsh were perceived as having static water levels that moved within predictable, stable tidal ranges. In 1989, the commission first recognized the potential effects of climate change and rising sea level on the San Francisco Bay, and amended the Bay Plan to incorporate changes to its safety of fills policies to ensure rising sea level was integrated into the San Francisco Bay fill project designs. However, a lack of scientific consensus and public acknowledgment of the problem made implementation of these policies difficult. By the mid-2000s, a scientific consensus had emerged that global climate was changing due to anthropogenic forces, and that these changes would lead to, among other things, significant sea level rise over time. (f) Pursuant to Section 66646.2 of the Government Code, the commission has general authority to plan for sea level rise. The commission's 2011 study of sea level rise found that potential impacts could have profound effects on the bay's waterfront communities, economic sustainability, and ecology. The commission's regional assessment of the potential impacts to the bay shoreline, entitled "Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline," identified the threat of global climate change and sea level rise on the bay's shoreline communities and ecology and found that over 280 square miles of shoreline land and over 250,000 residents are at risk of flooding at just moderate levels of sea level rise. The assessment also estimated that approximately \$62,000,000,000 would be needed to replace flooded business and residential structures as a result of sea level rise. (g) When the commission amended the Bay Plan in 2011 to address climate change and sea level rise, it included a policy exhorting the region to formulate a regional sea level rise adaptation strategy for protecting critical developed shoreline areas and natural ecosystems, enhancing the resilience of the bay and shoreline systems and increasing their adaptive capacity, and specifying that the strategy should be prepared by the commission in collaboration with the Bay Area Joint Policy Committee, other regional, state, and federal agencies, local governments, and the general public. The policy recommends, in part, that the strategy incorporate an adaptive management approach and be consistent with the goals of Chapter 728 of the Statutes of 2008 (SB 375), and that the principles of the strategy be updated regularly to reflect changing conditions and scientific information and include maps of shoreline areas that are vulnerable to flooding based on projections of future sea level rise and shoreline flooding, with particular attention given to identifying and encouraging the development of long-term regional flood protection strategies. In addition, the policy states that, ideally, the regional strategy will determine where and how existing development should be protected and infill development encouraged, where new development should be permitted, and where existing development should eventually be removed to allow the bay to migrate inland. (h) Currently, the state is dedicating resources to statewide sea level rise adaptation planning in a manner that benefits the San Francisco Bay through the California Environmental Protection Agency's Office of Planning and Research, the Natural Resources

Agency's Ocean Protection Council, the State Coastal Conservancy, and the State Lands Commission. The efforts of these programs will provide valuable resources to help support the San Francisco Bay area's regional efforts to prepare a regional strategy to adapt to sea level rise.

SEC. 2. It is the intent of the Legislature that, in light of the findings and declarations in Section 1, the commission shall prepare a regional strategy to address sea level rise, in collaboration with affected regional and local governments and appropriate state and federal agencies.

SEC. 3. Section 66649 is added to the Government Code, to read: 66649. (a) The commission shall, in collaboration with state, regional, and local government agencies, take action to protect San Francisco Bay area residents from potential inundation and flooding resulting from sea level rise by preparing a regional resilience strategy for adapting to rising sea levels in the San Francisco Bay. The main goal of this resilience strategy shall be to increase San Francisco Bay area preparedness and resilience to climate change impacts by reducing the flood risk to valuable shoreline development and protecting wetlands, transitional habitats, and bay-related wildlife.

(b) The commission shall work with federal, state, regional, and local partners to conduct shoreline adaptation planning, using tested planning processes and tools, to formulate a regional resilience strategy for the San Francisco Bay and surrounding areas that are at risk that addresses flooding from rising sea level and storms, and shall assist local governments to craft local strategies to address the effects of sea level rise. The strategy shall include two integrated components:

- (1) Community or agency-based planning efforts undertaken with local governments and special districts to increase the resilience of specific shoreline areas and assets.
- (2) A regional assessment of shoreline vulnerabilities and a planning process to identify and develop adaptation options necessary at the regional scale. Models, processes, and tools that address communication, community engagement, and decisionmaking will be used in collaboration with local partners and existing regional and community efforts.

(c) Formulation of the regional resilience strategy shall, to the extent possible, address all of the following goals and objectives:

- (1) Advance regional public safety and economic prosperity by protecting all of the following:
 - (A) Existing development that provides regionally significant benefits.
 - (B) New shoreline development that is consistent with the San Francisco Bay Plan and other applicable state policies.
 - (C) Infrastructure that is crucial to public health or the region's economy, such as airports, ports, regional transportation, wastewater treatment facilities, major parks, recreational areas, and trails.
- (2) Enhance the San Francisco Bay ecosystem by identifying areas where tidal wetlands and tidal flats can migrate landward; assuring adequate volumes of sediment for marsh accretion; identifying conservation areas that should be considered for acquisition, preservation, or enhancement; developing and planning for flood protection; and maintaining sufficient transitional habitat and upland buffer areas around tidal wetlands.
- (3) Integrate the protection of existing and future shoreline development and infrastructure with the enhancement of the San Francisco Bay ecosystem, such as by using feasible shoreline protection measures that incorporate natural bay habitat for flood control and erosion prevention.
- (4) Encourage innovative approaches to sea level rise adaptation, particularly multiobjective adaptation strategies.
- (5) Identify a framework for integrating the adaptation responses of multiple government agencies.
- (6) Integrate regional mitigation measures designed to reduce greenhouse gas emissions with regional

adaptation measures designed to address the unavoidable impacts of climate change. (7) Address environmental justice and social equity issues. (8) Integrate hazard mitigation and emergency preparedness planning with adaptation planning by developing techniques for reducing contamination releases, structural damage, and toxic mold growth associated with the flooding of buildings, and establishing emergency assistance centers in neighborhoods at risk from flooding and other mitigation measures. (9) Advance regional sustainability, encourage infill development and job creation, provide diverse housing served by transit, and protect historical and cultural resources. (10) Encourage the remediation of shoreline areas with existing environmental degradation and contamination in order to reduce risks to the San Francisco Bay's water quality in the event of flooding. (11) Identify and pursue research that supports adaptive management of the strategy and that provides information useful for planning and policy development on the impacts of climate change on the San Francisco Bay, particularly those related to shoreline flooding. (12) Identify actions to prepare and implement the strategy, including any needed changes in the law and policy. (13) Identify mechanisms to provide information, tools, and financial resources to enable local governments to integrate regional climate change adaptation planning into local community planning processes. (d) The commission shall prepare the strategy in close coordination with the Bay Area Joint Policy Committee, the State Coastal Conservancy, the Ocean Protection Council, and the Office of Planning and Research, and in such a way that the strategy may be adopted as the shoreline resiliency component of the San Francisco Bay area's sustainable communities strategy pursuant to Section 65080. (e) The commission shall, no later than December 31, 2015, complete the regional resilience strategy and shall submit to the Legislature its recommendations for future actions to be taken regarding sea level rise.