SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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R. Zachary Wasserman, Chair
San Francisco Bay Conservation and Development Commission

Testimony Before the
Assembly Select Committee on Sea Level Rise and the California Economy

How State Agencies are Addressing Sea Level Rise in California

January 16, 2014
State Capitol, Room 126

Making San Francisco Bay Better

Mr. Chairman and Members of the Committee:

Good morning, and thank you for inviting the San Francisco Bay Conservation and Development Commission, the state agency commonly known as BCDC, to testify before this important committee. I am Zack Wasserman, Chair of BCDC. Governor Brown appointed me to that position twenty months ago. In my day job, I am a practicing attorney in Oakland at Wendel Rosen where I specialize in land use law and providing counsel to public agencies. Sitting beside me is Larry Goldzband, BCDC's Executive Director.

As Chair Gordon knows given his experience as a BCDC Commissioner, our agency was created almost fifty years ago, inspired by a wonderful and dedicated trio of women who stood up to a male-dominated environmental movement and local governments focused on building everywhere, to accomplish two goals: maximize public access to San Francisco Bay; and, minimize fill inside the Bay. BCDC has succeeded. The Bay is bigger than it was when BCDC started, even accounting for rising sea level. And, the Commission has approved permits for billions of dollars of private and public capital investments in its jurisdiction, which includes the Bay itself and the shoreline up to 100 feet beyond the mean high tide line.

I also want to congratulate Chair Gordon for his role in developing and participating in San Mateo County's recent conclave on rising sea level. We have included in our testimony Executive Director Goldzband's follow-up letter to you and your colleagues with suggestions about next steps in your home county.

RECENT HISTORY

Four years ago, as part of its efforts to address rising sea levels, BCDC released its USGS-generated "inundation maps" that caused both great interest and much consternation. They showed the results of rising sea level in the Bay, both within BCDC's jurisdiction and farther inland. BCDC recognized then, and certainly continues to recognize now, that we need to plan for a rising Bay to protect the long-term safety, wellbeing, and vitality of the Bay Area's communities, natural resources, and economy. That is why BCDC Commissioners approved our groundbreaking Bay Plan Amendments two years ago.

Bay Plan Amendments: Those amendments include recommendations to guide local planning and permitting in areas vulnerable to rising Bay waters. They allow for appropriate, well-planned development that responds to the impacts of climate change. They include policies that promote wetland creation, restoration, and protection. And, they call for the Bay Area to develop a long-term Resilient Shorelines regional strategy to address the rising Bay, storm activity, and other impacts of climate change. During the process of adopting these amendments, which included over forty public hearings and meetings, serious and well-meaning advocates called BCDC's jurisdiction and authority into question – including me. Conflicts over such basic issues clearly have the potential to derail even the best intended public efforts to develop climate change adaptation policies.

For purposes of this hearing, BCDC has submitted to you rather lengthy testimony and substantial attachments that were prepared for a similar hearing held by the Little Hoover Commission a few months ago. I want to spend a few minutes to concentrate on two projects underway at BCDC that demonstrate our agency's attempt to help the Bay Area adapt to a rising sea level.

Adapting to Rising Tides (ART) Pilot Project: In partnership with NOAA and with assistance from ICLEI Local Governments for Sustainability, MTC, and the Caltrans), BCDC is working with Bay Area communities in a groundbreaking way to increase their preparedness and resilience to RSL and storm events while protecting critical ecosystem and community services. ART is a community-based collaborative planning effort that addresses two questions:

1. *How will climate change impacts of RSL and storm events affect the future of Bay Area communities, infrastructure, ecosystems and economy; and,*
2. *What strategies can BCDC and its stakeholders pursue, both locally and regionally, to reduce and manage these risks?*

ART is being conducted in a portion of the Alameda County shoreline, from Emeryville to Union City. ART has assessed the subregion's vulnerability and its risks, and has evaluated the vulnerability of the assets in the subregion, including transportation, community land use, parks and recreation, contaminated lands, structural and non-structural shorelines, the Port of Oakland, Oakland International Airport, stormwater/wastewater, hazardous waste sites and pipelines. The ART project team also considered the capacity of existing institutions to carry out adaptation efforts that include robust and thoughtful adaptation strategies, including governance issues. Also, ART developed a portfolio of possible adaptation responses to address the subregion's vulnerabilities. ART is using four lenses through which to analyze communities' resiliency and ability to adapt: society and equity; economy; environment; and, governance.

Resilient Shorelines: BCDC and the Association of Bay Area Governments (ABAG) are leading the development of a collaborative regional planning and implementation program called "Resilient Shorelines" to address sea level rise and storms, as well as earthquakes. We also are starting to work formally with the California State Coastal

Conservancy (Conservancy) to expand our cooperation, collaboration, and partnerships, as we all are conducting projects together and separately that promote regional resilience. The projects in the Resilient Shorelines program will help local and regional governments build the capacity to be active and successful participants so that local and regional strategies to address multiple hazards to the built environment and natural resources can be formulated and implemented from the bottom up.

Some of the strategies will be integrated into the 2017 Bay Area Sustainable Communities Strategy to be adopted by the Joint Policy Committee, which includes BCDC, ABAG, the Bay Area Air Quality Management District, and the Metropolitan Transportation Commission, as well as other regional plans as appropriate, and aim to answer five questions:

- How will sea level rise, storm events, or a major earthquake affect the future of Bay Area communities, infrastructure, ecosystems, and economy?
- What approaches can we pursue, both locally and regionally, to address these challenges, reduce and manage risks, and build resilience?
- How can the local and regional approaches be integrated into an overarching strategy to avoid duplication, increase coordination and collaboration, identify regional gaps and needs, and establish priorities?
- How can the resilient shorelines effort inform future updates to Plan Bay Area and other regional plans and help Bay Area communities address flood and earthquake risks, and protect natural resources and achieve local and regional land use and transportation initiatives?
- How will we finance the proposed actions and strategies?

CHALLENGES AND OPPORTUNITIES

While there are myriad challenges and opportunities, I think that four stand out:

1) *How can the State and its governmental subdivisions create a public consensus around where a new public shoreline will grow and exist and what public benefits it will spawn or eliminate?* What templates are available for local, subregional, regional, and State agencies to prepare their stakeholders for the major changes that will alter how California will look and work during the next 25, 50, or 100 years? How can the public become engaged in this discussion? For example, despite a quarter-century of warnings, less than half of Bay Area residents are prepared for a major earthquake and it required 24 years for the Bay Area and the State to decide whether to build a new eastern span of the Bay Bridge, design it, and then build it. The magnitude of this slow post-Loma Prieta response does not inspire confidence that governments alone can prepare the public to make and/or accept decisions about how to adapt to this "slow moving emergency" of rising sea level. So, all levels of government must be smarter, more aggressive, and more creative in meeting this challenge.

One suggestion that BCDC staff and Commissioners will discuss this year will be whether to encourage the public to think about rising sea level in a very discrete way, e.g., to imagine a rise of three feet. While the State's and other projections include wide ranges of possible increases, we know that Bay waters will have risen by at least three feet by 2100. As John Englander, the oceanographer and author of High Tide on Main Street has commented, the public understands what three feet is (for example, about a meter, the distance between two stripes on a football field, or a little more than the width of a standard doorway). Is planning for a three-foot rise a daunting task? Yes, but it is necessary to consider now. Policy makers may have more success in working with the public on this issue if we can think in a three-foot increment than if we talk

about planning to accommodate 15 to 55 inches by the end of the century or the 10 to 30 feet of rising sea level that is likely to happen during the next couple of centuries.

2) How can governments build and maintain planning and implementation capacity on the community, local, subregional, and regional levels? Capacity building requires sustained funding, greater levels of expertise, the willingness to prioritize projects, and recognizing that local planning processes must become part and parcel of larger planning efforts. The number and diversity of public agencies involved in such planning is astounding. Many in local government view regional agencies as necessary evils to ward off; larger and more inclusive planning efforts may be viewed by some as an attempt to dilute local *de facto* and *de jure* authority. How can those feelings be transformed into more positive responses? Building local capacity takes money, time, effort, and recognition that the world – and California – is changing in uncertain ways. Part of BCDC's challenge is to enlist local governments in seeing capacity building as an opportunity and not simply a burden.

3) Given such uncertainty, what governance structures and policies can embody new types of cost/benefit analyses that reflect the uncertainties surrounding RSL and future climate change and reflect the values and benefits inherent in natural resources? Absent structures and clear guidance, local governments will have a convenient excuse for not planning well, or to want to address these issues, if at all. Government's basic cost/benefit analysis techniques do not work well in this scenario. Typically, they encourage one-size-fits-all solutions – the exact opposite of what is required in local, subregional, and regional adaptation planning. Developing new structures and policies to address these regional issues requires difficult, iterative discussions between representatives of the State, regional entities, and local governments.

4) What is the best time to implement change, and how do we start now? While much of the State's economy may be at risk due to climate change, time gives us options. In other words, the State does not have to fix everything now, or by 2017. Instead, policy makers should participate in the kind of difficult and productive discussions noted above during the next few years that would preserve valuable policy options for the medium- and long-term.

BCDC Rising Sea Level Working Group: Under my direction, a group of eight Commissioners, including San Mateo County Supervisor Dave Pine, is regularly and informally engaging with regional stakeholders to gather information about their efforts to confront RSL. The group is a key outreach mechanism for the Commission in its effort to develop the BCDC's Resilient Shorelines regional strategy and its other climate program elements. During 2013, the Working Group met with representatives from Chevron, Union Pacific, Kaiser, Pacific Gas and Electric Company, San Francisco International Airport, the Port of Oakland, BART, CalTrans, East Bay MUD, Capitol Corridor Rail Service, the Bay Area Council, the Bay Planning Coalition, the Silicon Valley Leadership Group, the East Bay Economic Development Alliance, and representatives of a major insurance company and the Office of the State Insurance Commissioner to discuss their stakeholders' preparations for a rising Bay.

CONCLUSIONS AND RECOMMENDATIONS

While we have listed many specific recommendations in our written testimony, I can boil them down to four basic points:

1. **The State should collaborate with local and regional government agencies to provide clear, consistent, and transparent standards and guidance, including agreed upon uniform data that informs and supports local decision-making**

processes. There can be no one-size-fits-all comprehensive statewide plan to account for every inch of the coast and shoreline. The standards must be developed with input from the public, private, and nonprofit sectors throughout the State. They should be part of a sustained, robust, and integrated program that provides incentives for local and regional governments to work with representatives of the communities affected by rising sea level. And the State must ensure that communities that do not touch the State's waters are part of this discussion because their ways of life are inextricably linked to climate-related challenges such as changing temperatures, increased wildfires, flooding, and rising sea levels that affect all of our maritime and port-related infrastructure.

2. **Land use decisions should continue to be made on the local level.** To assist local governments, the State should provide incentives to formalize regional government collaborations, such as the Bay Area's Joint Policy Committee, that work with local governments to establish resilience strategies as part of the SB 375 process. The State also should provide incentives for metropolitan areas to collaborate, which is the mission of ARCCA – the Alliance of Regional Collaboratives for Climate Adaptation that includes public and private organizations in San Diego, Los Angeles, the Bay Area, and Sacramento. Through ARCCA, we are beginning to share best practices and inform policymaking throughout various regions.

3. **The State should support a wide variety of on-the-ground, community-based, and scalable resilience programs that exemplify best practices, provide necessary and useful policy information for a region's resilience, measure and monitor results, and are applicable to a wide variety of locales.** Special attention should be paid to inventorying and disseminating best practices, and

providing incentives to local, subregional, and regional governments to adopt them. Competitions and other efforts to promote innovative solutions to policy, design, and engineering challenges should be encouraged, such as BCDC's Rising Tides architectural competition. The State's integrated program should promote successful local and regional programs, such as BCDC's nationally recognized ART Project, the Bay Area Ecosystem Climate Change Consortium, and Regional Sediment Management. The ART Project merits special attention. It demonstrates the positive outcomes that can emanate from close, collaborative, and non-regulatory relationships between different levels and types of governments and organizations. ART has developed vulnerability and risk assessments, and adaptation responses, that address multiple jurisdictions and sectors. In addition, the Project has developed adaptation tools and processes that can be used in different geographic areas and by different types of organizations.

4. **All levels of government must engage the public in constructive discussions to answer jurisdictional and policy issues.** For example, what is the future of "the public trust" given rising sea level? Should CEQA be reformed in light of a moving shoreline? How should we define "public access" in light of rising sea levels? How can both environmental protection and economic growth occur in spite of, or due to, rising sea levels? And, if one jurisdiction wants to protect its shoreline, how should contiguous or other local jurisdictions respond?

   The State should undertake a strong advocacy role in Washington, D.C. on behalf of local, regional, and statewide projects that demonstrably improve shoreline and coastal resilience. Also, the State should plan and implement, in coordination with all levels of government, an extensive and non-threatening public education campaign about climate change, which can best be described as

a "slow moving emergency." Perhaps most important, we need to determine who will lead and how we will coordinate the necessary campaign to inform the public, public agencies, and the private sector about what we can do to address rising sea level, how we should take into consideration conflicting policies, how we will respond to unintended consequences, and how we can pay for what must we must do.

As such, let me say now that BCDC does not need more regulatory authority at this point. Instead, Bay Area policy makers must ensure that the JPC works cohesively and inclusively as BCDC works with ABAG and the state Coastal Conservancy to plan and propose a regionwide Resilient Shorelines strategy for the 2017 Bay Area Sustainable Communities Strategy. We have been asked by several legislators for ideas that would bolster such work, and we look forward to working with the Administration and Legislature moving forward.

Finally, I believe that the State of California needs to step up its work on rising sea level. The State must focus more time and resources on both GHG reduction (mitigation) and shoreline and coastal resiliency (adaptation). Solving the challenges and implementing the recommendations I listed above will require concentrated legislative and regulatory actions. The State needs an integrated, crosscutting, agency-wide policy development and implementation strategy, with funding to implement that strategy. Most important, that strategy and its implementation must bolster the belief that these issues can be solved.

We face an uncertain future with a large number of unanswered questions. In response, BCDC is fulfilling its regulatory responsibilities, developing and implementing a multi-dimensional program based upon voluntary community participation, and increasing the capacity of local government planning efforts. Sustained institutional

support for programs that rely upon such efforts can only strengthen the Bay Area's, and California's, resiliency in the face of climate change.

BCDC ACTION PLAN

Goal 1: Be the nation's model coastal management agency to increase the Bay's value and enable its communities to flourish

Objective 1: Pioneer policies and action that take advantage of, and reduce risks caused by, the changing Bay, including rising sea levels

1. ***Update Policies:*** Develop new and regularly update existing planning, regulatory, and enforcement policies, practices, and procedures based on a review of past practices, best practices, available science, and knowledge of probable impacts on the Bay and Bay Area. *(Agency)*
   1.1. ***Data-Driven Enforcement:*** Develop and/or revise a systematic and data-driven enforcement strategy and policy to set enforcement priorities, improve compliance, improve regulatory and legal effectiveness, and use resources more efficiently. (*Reg/Plan; LEAD: Reg; w/LG*)
   1.2. ***Permitting Procedures:*** Develop and/or revise permit and plan review procedures and products to ensure consistent and clear results and a customer-friendly permitting process. (*Reg/Plan*)
   1.3. ***Guidelines:*** Develop and/or revise guidelines that permit applicants can use to design projects and develop plans that are consistent with BCDC policies. (*Reg/Plan; Lead: Reg*)

Objective 2: Expand and activate public access

1. ***Evaluation:*** Inventory and evaluate the variety of types and uses of BCDC-required public access that currently exist in light of current BCDC laws and policies. (*Agency; LEAD: Reg*)
2. ***Activation:*** Develop a region-wide vision to encourage more diverse and more active public access, especially in light of emerging issues and populations. (*Agency*)

Objective 3: Minimize Bay fill given that rising sea level, changing sediment supply, and changing public needs may require additional Bay fill

1. ***Adaptation:*** Partner with a variety of stakeholders to develop a Bay-wide understanding of nature-based (ecosystem) adaptation solutions, including how to best use fill to reduce the impacts of rising sea level on natural and built resources. (*Reg/Plan*; *LEAD: Co-Leads*)
2. ***Management Best Practices:*** Leverage federal and state partner (FEMA, USACE, NOAA, USGS, Coastal Commission, etc.) data, funding, and knowledge to develop and disseminate coastal management best practices, including best practices to reduce coastal hazards in the Bay Area. (*Agency*)
3. ***Research:*** Identify, prioritize, and promote research initiatives focused on the changing Bay according to their potential to improve decision-making overall and resilience in particular. (*Agency*)

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Objective 4: Ensure that all policies and activities reflect the region's growing and diversifying population and the area's environmental and economic needs

1. ***Public Access Policies:*** Develop and implement a plan to update BCDC public access policies and guidelines to reflect diverse communities and changing regional and social needs. (*Plan; w/LG*)
2. ***Fill Policies:*** Develop and implement a plan, in concert with key regional stakeholders, to review and update, if needed, existing BCDC fill policies to better address changing regional needs. (*Plan/Reg*)
3. ***Expertise Access:*** Determine how BCDC can most efficiently obtain and use outside expertise on an as-needed basis for services such as coastal engineering, economic analyses, etc. (*Plan/Reg/Admin*)

Objective 5: Apply consistent, yet adaptable, decision-making using the best available information

1. ***Best Practices Frameworks:*** Develop and train staff to use best practices frameworks for adaptable, information-driven decision-making by each BCDC unit. (*Agency; LEAD: Co-Leads*)
2. ***Information Access:*** Expand staff and Commission access to appropriate literature, a wide variety of learning and training opportunities, and a technologically advanced agency library. (*Agency*)
3. ***Advisory Committees:*** Develop or re-establish advisory committees to advise and support BCDC decision-making, e.g., Citizens Advisory Committee (CAC), Science and Technical Advisory Committee (STAC), and develop a formal process for their use. (*Agency*)

Goal 2. Lead innovative partnerships to meet the Bay's ongoing challenges

Objective 1: Use BCDC's unique mission and broad representation to advance integrated local, regional, statewide, and national efforts, including those of the Joint Policy Committee

1. ***JPC:*** Lead the JPC effort to develop regional capacity to adapt to rising sea level. (*Plan/Reg; LEAD: Plan; w/LG*)
2. ***Local Resilience:*** Develop, disseminate, and lead locally driven processes that stakeholders can use to conduct multi-objective shoreline resilience planning throughout the region. (*Plan/Reg; LEAD: Plan*)
3. ***Integrate Coastal Management:*** Create a more seamless Bay Area coastal zone management program by leading the effort to better integrate BCDC coastal management practices with Conservancy and Coastal Commission practices. (*Plan/Reg*)

Objective 2: Define and build strong relationships in all sectors to directly advance BCDC's mission.

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1. ***Outreach:*** Develop an outreach plan to educate stakeholders and communities about BCDC's mission, plans, and actions throughout its jurisdiction, in part by taking advantage of Commissioner expertise, contacts and resources. (*Agency*)
2. ***Sediment Management:*** Continuously improve and expand the Regional Sediment Management Program's partnerships with organizations in all levels of government, and in the flood control, watershed management, restoration, beach nourishment, and LTMS communities, and emphasize the interconnected nature of projects affecting sediment supply and demand. (*Reg*)
3. ***Move:*** Co-locate with the other regional agencies at 390 Main Street. (*Admin*)

Objective 3: Increase public understanding of the Bay's dynamic social, economic, ecological, and environmental value

1. ***Public Education:*** Develop a public information program in collaboration with public, private and non-profit organizations. (*Agency; LEAD: LG*)
2. ***Website Content:*** Improve the BCDC website and link it to appropriate internal technological improvements to make it more helpful to the public. (*Agency*)

Goal 3. Improve BCDC's work environment and organizational performance

Objective 1: Improve technological capacity to benefit both BCDC internally and stakeholders externally

1. ***Use Better Technology:*** Develop an information technology improvement plan to enable staff to work more efficiently and enable the public to access appropriate information. (*Agency; LEAD: Admin; w/LG*)
   - 1.1. ***Website Management:*** Improve the website by linking it to external and internal processes and enable staff, with appropriate oversight, to manage website content. (*Admin*)
   - 1.2. ***Intranet:*** Improve the intranet so that it offers a greater array of information, is more clearly organized, and more accessible. (*Agency*)
   - 1.3. ***Access to Technology:*** Improve connectivity of BCDC information and staff capacity to use and connect to all essential programs both remotely and when in the office. (*Admin*)
   - 1.4. ***Document Management System:*** Develop a comprehensive document management system that enables staff to collaborate more efficiently, share knowledge online, and retain institutional knowledge, including a robust permit management and application system. (*Agency*)
   - 1.5. ***GIS:*** Improve the management and accessibility of geospatial data and project information. (*Agency*)

Objective 2: Increase investment in the development and retention of excellent staff and intellectual capital

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1. ***Hiring and Succession:*** Develop and regularly update hiring and succession plans. (*Admin*)
2. ***Retention:*** Develop a staff retention program that motivates new staff to join and provides opportunities for existing staff to stay and/or apply for higher positions within or outside of BCDC. (*Agency*)
3. ***Performance Reviews:*** Develop an agency-wide system to require individual work plans, individual development plans, and annual performance reviews to support professional growth. (*Admin*)
4. ***Staff Development:*** Dedicate funding for staff professional development. (*Admin*)
5. ***Intern Program:*** Develop an agency-wide internship program that consistently leverages partnerships with local universities and other intern sources. (*Admin*)

Objective 3: Document best practices and create better ways to ensure efficiency, integration, transparency, and consistency across regulatory, planning, and administrative operations

1. ***Workforce Planning:*** Review all staff duty statements and organization charts to clearly articulate work requirements, roles, and responsibilities. (*Agency*)
2. ***Internal Collaboration:*** Integrate appropriate work across agency units by formalizing processes and procedures to incorporate staff from various units in key projects. (*Agency; LEAD: Admin; w/LG*)
3. ***Workflow:*** Establish and document improved workflow practices and procedures for document analysis, review, finalization, mailing, and dissemination. (*Agency*)
4. ***Job Training:*** Develop an internal agency training program for all staff that is appropriate, timely, and job-related that includes a new employee orientation, inquiry day training, unit cross-training, and financial/grants management. (*Agency*)
5. ***Transitions:*** Develop policies and procedures to address issues raised by fluctuating staffing levels and employee movement within the agency. (*Admin*)

Objective 4: Foster the professional, respectful, and cooperative BCDC culture

1. ***Behavior:*** Develop and/or revise and enforce standard office policies, procedures, and practices including BCDC's Professional Ethics and Code of Conduct standards and communication protocols. (*Admin*)
2. ***Culture:*** Develop a program that regularly encourages a healthy office culture, team building, and a positive sense of community. (*Agency*)
3. ***Survey:*** Develop and administer an annual staff satisfaction survey. (*Admin*)

Objective 5: Secure and expand necessary and stable resources to implement BCDC's mission

1. ***Sustainability:*** Develop an agency funding strategy based on the approved strategic plan and ensure that the Natural Resources Agency, the Department of Finance, and the State Legislature recognize BCDC's funding needs. (*Agency; LEAD: LG*)

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Goal 2. Lead innovative partnerships to meet the Bay's ongoing challenges

Objective 3: Increase public understanding of the Bay's dynamic social, economic, ecological, and environmental value

1. ***Public Education:*** Develop a public information program in collaboration with public, private and non-profit organizations. (*Agency; LEAD: LG*)

A. *Purposes*
   1. Disseminate Information: teach interested parties in an interesting way about BCDC as an agent of change that strives to connect people with the Bay
   2. Consistency of message: ensure that BCDC speaks with one voice about important issues such as history/purpose, jurisdiction, authority, policies, current challenges
   3. Demonstrate regionalism: bolster BCDC's public role as leader of regional shoreline resilience planning
   4. Prove the Bay interesting: boost interest in Bay-related issues throughout the nine counties

B. *Tasks to be undertaken:*
   1. Perform Segment/Target/Position Analysis; prioritize who are we trying to educate *(January)*:
      A. Commissioners and Alternates
      B. Federal officials (Legislative and Executive)
      C. State officials (Legislative and Executive)
      D. Local officials (electeds, planners, ?)
      E. Public (press, communities and community groups, associations)
   2. Informal surveys of *(February-March)*:
      A. BCDC electeds (to understand what they want their constituents to know about BCDC)
      B. Special interest groups (to learn of specific issues to be included in program)
      C. CA Resources Agency (to learn of program "requirements," if any)
      D. Federal agencies (to learn what they expect/request from state partners)
   3. Scan and plagiarize strategically *(March-April)*:
      A. Other state agencies
      B. Partner agencies (feds, mainly)
      C. Internal BCDC presentations
   4. Define position of and general content for each target, including, but not limited to *(April/May/June)*:
      A. BCDC history and purpose
      B. Jurisdiction and authority
      C. Bay state of play (i.e., successes)

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    D. Life without BCDC
    E. Current and future challenges
5. Create content for each channel for delivery and create messaging *(April/May/June)*
6. Begin proactive delivery *(Summer)*
    A. Identify and prioritize targets
    B. Regularly update content

C. *Staff Lead:* Goldzband
Units Involved: All – content and presentation development

D. *Measurement:*
1. Output quantity measurements:
    A. Create Target List and determine percent completed
    B. Create sustainable program by providing necessary resources
2. Outcome reaction measurements:
    A. Provide audience members with easy way to contact BCDC with questions/comments, etc.
    B. Provide audience members with feedback form/survey

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Making San Francisco Bay Better

December 24, 2013

The Honorable Jackie Speier
United States House of Representatives
Washington, D.C. 20515

The Honorable Rich Gordon
California State Assembly
State Capitol, Room 4126
Sacramento, CA 95814

The Honorable Dave Pine
San Mateo County Board of Supervisors
Hall of Justice & Records
400 County Center
Redwood City, CA 94063

SUBJECT: Meeting the Challenge of Sea Level Rise in San Mateo County

Dear Representative Speier, Assembly Member Gordon, and Supervisor Pine:

Thank you very much for hosting San Mateo County's gathering to discuss the ramifications of rising sea level, and for allowing the San Francisco Bay Conservation and Development Commission (BCDC) to participate. I hope that you found the discussions both interesting and valuable; I know that many of the attendees and participants did.

From BCDC's selfish perspective, perhaps the most interesting aspect of the event was that three current or former BCDC Commissioners were its hosts, and each represents a different level of government. The breadth of hosts, participants, and attendees reinforces BCDC's position that effective and widely accepted local, subregional, and regional adaptation policies can be agreed to and implemented by representatives of all sectors only through a non-threatening, inclusive, and collaborative public process. All levels of government must coordinate, collaborate, and/or partner with each other and with private sector and non-governmental organizations that represent environmental, economic, and equity interests. Just as important, neighborhoods and communities need seats at the tables, and we need to work from an agreed-upon set of facts.

This is why BCDC and the Joint Policy Committee are leading the development of a series of near-term and longer-term shoreline resilience strategies to be discussed by the entire Bay Area through a non-regulatory approach that does not pre-suppose any one answer, or any combination of responses. This process could be bolstered by your decision to work together on behalf of San Mateo County; your mutually beneficial working relationship is vital to ensure that all levels of government work together to assist Peninsula residents, who live in perhaps the "hottest spot" in the Bay Area. I imagine that you will want to form a working team to further the discussions that took place on December 9th, and BCDC is eager to take part should you desire.

I hope that you will allow me to suggest a few actions that could be taken at the various levels of government that will assist us in this process:

1. Federal Government
   a. During a 90-minute visit in early December with National Security Council staff developing internal Administration policies to protect defense infrastructure, we agreed that working on a regional scale is imperative given the physical dimensions of the challenge. As such, we are educating NSC staff about our successful public-private-NGO "Adapting to Rising Tides" (ART) project, which we hope to expand throughout Bay shoreline communities (and about which I spoke at the San Mateo conference). Yet, ART could not have taken root, much less have been so successful, without expertise and financial assistance provided by the National Oceanic and Atmospheric Administration (NOAA). *BCDC requests that Representative Speier work with NOAA to determine how it can best continue, if not expand, its work in the Bay Area on ART, perhaps as part of a broader effort to strengthen NOAA's Coastal Zone Management Program. In addition, we request that the Department of Defense collaborate with NOAA to improve that Department's regional infrastructure planning efforts nationally. Further, BCDC suggests that any federal shoreline or coastal resilience initiatives be predicated on leveraging successful local or regional resilience projects prior to creating new federal projects or programs.*

   b. The attached letter (signed by Bay Planning Coalition, Save San Francisco Bay Association, The Bay Institute, the California Coastal Conservancy, and BCDC) urges the Congress to improve the pending Water Resources Development Act legislation by endorsing plans to use more dredged materials for beneficial purposes, including flood protection, and improve the planning and budgeting processes used by the U.S. Army Corps of Engineers. This would accomplish two major goals. First, it would ensure that navigation channels, on which major parts of the economies of the Bay Area and the Central Valley depend, are regularly maintained to an appropriate depth. Second, those dredged materials should be used to develop, restore, and bolster wetlands in strategic Bay locations to provide short- and medium-term protection for Bay Area communities. In addition, the letter includes specific recommendations that would enable various projects in the Bay to move

forward expeditiously within a broader policy framework through which other communities also could benefit. *BCDC requests that Representative Speier review those recommendations and advocate for them on the Bay Area's behalf.*

2. State Government

   a. BCDC looks forward to testifying before Assembly Member Gordon's Select Committee on Sea Level Rise and the California Economy to discuss the Commission's program and plans to help the Bay Area continue to prosper in light of the challenges that we shall face as a community. In doing so, we shall refer to the attached testimony presented by BCDC Chairman Zack Wasserman to the Little Hoover Commission, which contains a series of challenges and recommendations for the State. *BCDC is eager to review the Committee's upcoming recommendations, along with those of the Little Hoover Commission, and work with members of the Assembly and Senate to promote and ensure shoreline resiliency.*

   b. As part of the State's overall response to climate change, BCDC is prepared to work both within the Administration and with the State Legislature as the Governor's budget and the Administration's "Safeguarding California" climate change strategy are reviewed publicly and become the subject of discussions. *BCDC is eager to learn how State legislators respond to the spending and guidance plans and looks forward to participating in those discussions.*

3. Local Government

   a. BCDC is especially cognizant that local governments retain primary land use jurisdiction. As such, local planners must be knowledgeable about BCDC's new climate change policies. There must be active and open lines of communication among State, regional, and local governments as development and conservation projects are proposed. *BCDC strongly encourages that San Mateo County planners (collaborating with BCDC and local governments in the county) develop shoreline resiliency strategies that can be discussed alongside subregional and regional strategies, all based upon state guidance with assistance from BCDC.*

   b. As San Francisco International Airport rolls out a strategy to ensure its continued success in light of climate change, and strengthens its relationship with BCDC and other airports facing similar challenges, its outcomes will hold keys to San Mateo County's success. *BCDC strongly urges Supervisor Pine to continue in his role as an advocate for clear, consistent, and transparent shoreline resilience planning at SFO, with an eye toward educating federal and state officials about local and regional needs.*

We are fortunate that your trio wants to work together to produce a comprehensive countywide strategy that can be part of a larger Bay shoreline resilience effort. As each of you understands the important role that BCDC is playing in the development of a regional shoreline resiliency strategy, we look forward to working with you as a team, just as BCDC works as part of the Joint Policy Committee of the Bay Area. Integrating the work of federal, state, and local representatives can only serve Bay Area's interests in general, and San Mateo County's in particular. And, if one or more committees or organizations are formed as a follow-up to the Conference, please be assured that BCDC stands ready to assist if requested.

Again, congratulations on hosting a terrific first step for San Mateo County!

Sincerely,

LAWRENCE J. GOLDZBAND
Executive Director

Enc.

LJG/gg

Bay Planning Coalition

SAVE THE BAY

The Bay Institute

STATE OF CALIFORNIA Coastal Conservancy

San Francisco Bay Conservation and Development Commission

November 25, 2013

The Honorable Barbara Boxer
Chair
Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20515

RE: Conference Report, The Water Resources Development Act of 2013

Dear Senator Boxer:

On behalf of the Bay Planning Coalition, Save San Francisco Bay, the Bay Institute, the California State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission, we appreciate the opportunity to submit comments and suggestions on the water resources legislation being discussed in a joint House-Senate Conference Committee. Our five organizations are in agreement on the need to pass a WRDA bill this year.

We unanimously urge you and your fellow conferees to support the passage of the Water Resources Development Act of 2013 with the following amendments:

1. *Language to ensure that the U. S. Army Corps of Engineers (USACE) can use construction funds for both flood protection and ecosystem restoration work on lands owned by other federal agencies, including the U.S. Fish and Wildlife Service.* This would assist the Bay Area's South Bay Salt Ponds project and more quickly enable the restoration of the Bay to its natural state, providing flood protection and wetlands restoration. USACE has such authority now to use these funds in this manner everywhere except on federal lands. <u>We urge you to adopt the amendment proposed by Representative Mike Honda in the Rules Committee, which is attached.</u>

2. *Language to ensure that the USACE uses the best available scientific knowledge of projected sea level rise, consistent with most recent National Research Council recommendations, when analyzing flood risk management alternatives.*

3. *Language to restore the original cost sharing agreement for the Bel-Marin Keys project, reinforcing Congress's original intent.* We urge you to adopt the following language to be placed at the of Section 2003(c) of the Senate bill that amends Section 2037 of WRDA 2007:

   (C) APPLICABILITY - The amendment made by Subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the Project was completed prior to the date of enactment of this Act.

4. *Language to increase beneficial use of dredged material specifically to assist local flood risk management efforts where there is a federal/state partnership that implements regional sediment management (RSM) efforts.* We strongly urge you to include in the Conference Report Section 2326 of the Senate legislation, as it helps to ensure that material suitable for beneficial reuse can be utilized in a cost effective manner, including its use for either or both marsh restoration and flood risk management purposes. In addition, we request that you add to the proposed Senate language the underlined addition that likely would apply only in San Francisco Bay:

   (ii) Reduction in non-Federal share-- The Secretary may reduce the non-Federal share of costs of construction of a project if the secretary determines that, (1) through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of cost, or (2) significant habitat and/or flood benefits would be provided and the project would help implement a federal/state Long Term Management Strategy for placement of dredged material.

   Also, we urge you to support broadening this authority beyond Construction General Funds so that it includes Operation and Maintenance funded projects as well. Finally, we strongly urge that San Francisco Bay be added to the list of RSM priority areas (there are currently eleven listed in the legislation.)

5. *Language in Section 1004 of the Senate legislation that establishes an expedited process to authorize projects with a completed Chief's Report.* Adoption of this policy would enable the South Bay Salt Ponds Project to be considered for authorization expeditiously if the Chief's report is issued next year as planned. That being said, we strongly suggest, as well, that additional language be added to the current bill that provides a specific period after enactment of the legislation for Chief's Reports to be completed and authorized to help ensure that USACE studies near completion are actually authorized.

6. *Language that requires USACE to study innovative ways to improve dredging and sediment management, including the availability of dredging equipment, as found in Senate Section 2024.* We strongly urge you to adopt this language that has the potential to more successfully promote the use of beneficial reuse of dredged materials for flood risk management and marsh restoration and to reduce the overall cost of dredging in the Bay Area, which is among the highest in the Nation. In addition, we propose that the Conference Report include clarifying language that the study assess these issues at the regional (as well as national) level, and that information regarding RSM in the Bay Area be included in the report. Finally, we urge that RSM be addressed as part of any such study, which could include the following language:

   (6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions and estuarine areas to accelerate the creation of wetlands.

7. *Language that authorizes the full expenditure of Harbor Maintenance Taxes (HMT) for their intended purposes and the creation of a "carve-out" for at least Low Use ports, if not also for Medium Use ports.*

8. *Language that enables the Secretary to enter into an agreement at the request of a non-federal interest to maintain navigation projects, consistent with Section 101(b) of WRDA 1986. Such language is included in Section 203 of H.R. 3080 and should be included in the final product of the conference committee.*

9. *Language that allows the use of Harbor Maintenance Trust Fund revenues to maintain Federal channels to 50 foot depths, and prioritizes future expenditures from the Harbor Maintenance Trust Fund, consistent with Section 8004 of S. 601.*

Finally, we fully support language found in each bill that enables local sponsor planning and construction of WRDA projects. Such sponsorships could provide a more expeditious avenue to construct marsh at the Bel Marin Keys site (and, potentially, at the South Bay Salt Ponds site).

Developing Conference Reports on issues as complex and far-reaching as WRDA is one of the more difficult tasks facing any Congress. On behalf of the Bay Area, and other estuarine areas in which the reuse of dredged materials can provide communities with flood risk management and endangered species with new and/or restored marsh, we urge you in the strongest possible terms to consider our recommendations and support an amended WRDA Conference Report.

Sincerely,

John A. Coleman
Executive Director
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David Lewis
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Executive Officer
California State Coastal Conservancy

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San Francisco Bay Conservation and Development Commission

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

R. Zachary Wasserman, Chair
San Francisco Bay Conservation and Development Commission

Testimony Before the
Milton Marks Commission on California State Government Organization and Economy
(Little Hoover Commission)

Public Hearing on California Climate Change Adaptation Strategies
October 24, 2013
State Capitol, Room 437

Making San Francisco Bay Better

Mr. Chairman and Members of the Commission:

Good morning. My name is Zack Wasserman and I chair the San Francisco Bay Conservation and Development Commission, the state agency commonly known as BCDC. Governor Brown appointed me to that position twenty months ago. In my day job, I am a practicing attorney in Oakland at Wendel Rosen where I specialize in land use law and providing counsel to public agencies. Sitting beside me is Larry Goldzband, BCDC's Executive Director.

BCDC was created almost fifty years ago, inspired by a wonderful and dedicated trio of women who stood up to a male-dominated environmental movement and local governments focused on building everywhere, to accomplish two goals – maximize public access to San Francisco Bay and minimize fill inside the Bay. BCDC has succeeded. The Bay is bigger than it was when BCDC started, even accounting for rising sea level. And, the Commission has approved permits for billions of dollars of private and public capital investments in its jurisdiction, which includes the Bay itself and the shoreline up to 100 feet beyond the mean high tide line.

Four years ago, as part of its efforts to address rising sea levels, BCDC released its USGS-generated "inundation maps" that caused both great interest and much consternation. They showed the results of rising sea level in the Bay, both within BCDC's jurisdiction and farther inland. BCDC recognized then, as now, that we need to plan for a rising Bay to protect the long-term safety, wellbeing, and vitality of the Bay Area's communities, natural resources, and economy. That is why BCDC Commissioners approved our groundbreaking Bay Plan Amendments two years ago.

Those amendments include recommendations to guide local planning and permitting in areas vulnerable to rising Bay waters. They allow for appropriate, well-

planned development that responds to the impacts of climate change. They include policies that promote wetland creation, restoration, and protection. And, they call for the Bay Area to develop a long-term regional strategy to address the rising Bay, storm activity, and other impacts of climate change. During the process of adopting these amendments, which included over forty public hearings and meetings, serious and well-meaning advocates called BCDC's jurisdiction and authority into question – including me. Conflicts over such basic issues clearly have the potential to derail even the best intended public efforts to develop climate change adaptation policies.

Although our written testimony is lengthy and our attachments large, I think I can boil down BCDC's recommendations to four basic points:

1. **The State should collaborate with local and regional government agencies to provide clear, consistent, and transparent standards and guidance, including agreed upon uniform data that informs and supports local decision-making processes.** There can be no one-size-fits-all comprehensive statewide plan to account for every inch of the coast and shoreline. The standards must be developed with input from the public, private, and nonprofit sectors throughout the State. They should be part of a sustained, robust, and integrated program that provides incentives for local and regional governments to work with representatives of the communities affected by rising sea level. And the State must ensure that communities that do not touch the State's waters are part of this discussion because their ways of life are inextricably linked to climate-related challenges such as changing temperatures, increased wildfires, flooding, and rising sea levels that affect all of our maritime and port-related infrastructure.

2. **Land use decisions should continue to be made on the local level.** To assist local governments, the State should provide incentives to formalize regional government collaborations, such as the Bay Area's Joint Policy Committee, that work with local governments to establish resilience strategies as part of the SB 375 process. The State also should provide incentives for metropolitan areas to collaborate, which is the mission of ARCCA – the Alliance of Regional Collaboratives for Climate Adaptation that includes public and private organizations in San Diego, Los Angeles, the Bay Area, and Sacramento. Through ARCCA, we are beginning to share best practices and inform policymaking throughout various regions.

3. **The State should support a wide variety of on-the-ground, community-based, and scalable resilience programs that exemplify best practices, provide necessary and useful policy information for a region's resilience, measure and monitor results, and are applicable to a wide variety of locales.** Special attention should be paid to inventorying and disseminating best practices, and providing incentives to local, subregional, and regional governments to adopt them. Competitions and other efforts to promote innovative solutions to policy, design, and engineering challenges should be encouraged, such as BCDC's Rising Tides architectural competition. The State's integrated program should promote successful local and regional programs, such as BCDC's nationally recognized Adapting to Rising Tides Project, the Bay Area Ecosystem Climate Change Consortium, and Regional Sediment Management. The ART Project merits special attention. It demonstrates the positive outcomes that can emanate from close, collaborative, and non-regulatory relationships between different levels and types of governments and organizations. ART has developed vulnerability and risk assessments, and adaptation responses, that address multiple jurisdictions and sectors. In addition, the Project has developed adaptation tools

and processes that can be used in different geographic areas and by different types of organizations.

4. **All levels of government must engage the public in constructive discussions to answer jurisdictional and policy issues.** For example, what is the future of "the public trust" given rising sea level? Should CEQA be reformed in light of a moving shoreline? How should we define "public access" in light of rising sea levels? How can both environmental protection and economic growth occur in spite of, or due to, rising sea levels? And, if one jurisdiction wants to protect its shoreline, how should contiguous or other local jurisdictions respond?

   The State should undertake a strong advocacy role in Washington, D.C. on behalf of local, regional, and statewide projects that demonstrably improve shoreline and coastal resilience. Also, the State should plan and implement, in coordination with all levels of government, an extensive and non-threatening public education campaign about climate change, which can best be described as a "slow moving emergency." Perhaps most important, we need to determine who will lead and how we will coordinate the necessary campaign to inform the public, public agencies, and the private sector about what we can do to address rising sea level, how we should take into consideration conflicting policies, how we will respond to unintended consequences, and how we can pay for what must we must do.

We face an uncertain future with a large number of unanswered questions. In response, BCDC is fulfilling its regulatory responsibilities, developing and implementing a multi-dimensional program based upon voluntary community participation, and increasing the capacity of local government planning efforts. Sustained institutional

support for programs that rely upon such efforts can only strengthen the Bay Area's, and California's, resiliency in the face of climate change.

Bay Planning Coalition

SAVE THE BAY

The Bay Institute

STATE OF CALIFORNIA Coastal Conservancy

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November 25, 2013

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Chair
Committee on Environment and Public Works
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Washington, D.C. 20515

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Samuel Schuchat
Executive Officer
California State Coastal Conservancy

Lawrence J. Goldzband
Executive Director
San Francisco Bay Conservation and Development Commission

CALIFORNIA OCEAN PROTECTION COUNCIL

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriquez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, State Lands Commission Chair
Fran Pavley, State Senator
Toni Atkins, State Assemblymember
Geraldine Knatz, Public Member
Michael Brown, Public Member

December 31, 2013

Dear California Congressional delegation:

California has the largest ocean economy of any of our 50 states –valued at over $40 billion annually. For that critical piece of California's economy to continue to benefit all of the United States as it does now, I urge you to support fiscal year 2014 funding for the National Oceanic and Atmospheric Administration's (NOAA) Coastal Zone Management Agency (CZMA) grants at $71 million, which is consistent with allocations used by the Senate Committee on Appropriations.

California's three federally recognized coastal zone management programs, operated by the California Coastal Commission, the California Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission (BCDC) epitomize the value of federal/state partnerships. Each year, the state of California, through these agencies, more than matches the funding provided in NOAA grants to tackle some of the most urgent issues facing coastal states, such as protecting the public and infrastructure from increasingly devastating storms.

The CZMA budget also includes funding for regional ocean partnerships (ROPs), including the West Coast Governors Alliance on Ocean Health (WCGA). The nation's nine ROPs both address issues that are important to their own regions and further many of the federal government's priorities. ROPs are a wise investment because they can solve problems far more cost-effectively than individual states working alone. For example, the WCGA used NOAA ROP funds to develop the West Coast Ocean Data Portal to give coastal decision makers better access to ocean and coastal geospatial data (for a description, please visit http://portal.westcoastoceans.org/). The cost of such a regional portal was far less than if each of the three states had developed a data portal on its own.

The WCGA has also joined with the Canadian province of British Columbia to invest in better understanding the issue of ocean acidification. The West Coast Ocean Acidification and Hypoxia Science Panel, comprised of leading experts from three states and British Columbia, is presently undertaking the work of framing this complex issue coast-wide on behalf of decision makers. Again, because the four jurisdictions are pooling resources, much more can be accomplished to understand ocean acidification than what each state could accomplish on its own. Nevertheless, increased federal investment is needed in this area.

Finally, it should be acknowledged that CZMA grants benefit far more than coastal and shoreline communities. A very significant portion of agricultural exports from California's Central Valley, for example, are shipped through the Port of Oakland, which works closely with BCDC, one of its major regulators and a recipient of CZMA grants. Knowing how important these programs are for the California economy, I am concerned that report language in the fiscal year 2014 House Commerce, Justice, Science Appropriations bill recommends a drastic cut for CZMA grants, resulting in a funding level of only $40 million. This represents a 35 percent reduction in a program already hampered by a decade of level funding.

While many of us are grateful that NOAA's overall budget has not decreased during the past several years of historically difficult budgetary conditions, I am concerned that the ocean and coastal programs are taking a

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Website: www.opc.ca.gov Email: COPCpublic@resources.ca.gov

disproportionate cut within the agency. While satellites provide critical data, the cuts to the ocean and coastal programs will severely hamper NOAA's ability to put this information to use for on-the-ground management, hazard and flood prevention, and disaster response.

Therefore, I strongly urge you to support funding for the CZMA grants program at $71 million, consistent with allocations established by the Senate Appropriations Committee.

Sincerely,

John Laird
Secretary for Natural Resources and Chair, Ocean Protection Council
State of California

Cc: Senator Barbara Mikulski, Chairwomen of Senate Appropriations Committee and Chairwomen of the Subcommittee on Commerce, Justice, Science, and Related Agencies

Senator Richard Shelby, Vice Chairman of the Senate Appropriations Committee and Ranking Member of the Subcommittee on Commerce, Justice, Science, and Related Agencies

Representative Frank Wolf, Chair of the Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations

Representative Chaka Fattah, Ranking Member of the Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations

Charles Lester, Executive Director, California Coastal Commission

Larry Goldzband, Executive Director, San Francisco Bay Conservation and Development Commission

Sam Schuchat, Executive Officer, State Coastal Conservancy