

San Francisco Bay Conservation and Development Commission

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May 13, 2016

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Sharon Louie, Director, Administrative & Technology Services (415/352-3638; sharon.louie@bcdc.ca.gov)

SUBJECT: Draft Minutes of May 5, 2016 Commission Meeting

1. Call to Order. The meeting was called to order by Acting Chair Halsted, at the Ferry Building, Port of San Francisco, California at 1:06 p.m.

2. Roll Call. Present were: Chair Wasserman (arrived at 1:41 p.m.), Vice Chair Halsted and Commissioners Addiego, Bates, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), DeLaRosa, Gibbs (departed at 2:48 p.m.), Gioia, Kim, (arrived at 1:08/ departed at 2:45p.m.), McGrath, Nelson, Pine, Sartipi (represented by Alternate McElhinney arrived at 1:48 p.m.), Sears, Spering (represented by Alternate Vasquez) Techel, Wagenknecht and Zwissler.

Acting Chair Halsted announced that a quorum was present.

Not present were Commissioners: Department of Finance (Finn), Sonoma County (Gorin), U.S. Army Corps of Engineers (Hicks), State Lands Commission (Lucchesi), Governor (Randolph) and U.S. Environmental Protection Agency (Ziegler).

3. Public Comment Period. Acting Chair Halsted called for public comment on subjects that were not on the agenda. She received one request to comment.

Ms. Carisa Harris-Adamson addressed the Commission: I am one of the Co-Founders and current Chair of the Board of Directors of Treasure Island Sailing Center (TISC). I am here today to introduce you to our organization and how we serve the community. TISC began 17 years ago teaching eight girls from the Learning Academy how to sail. Our mission is to create opportunities for people to learn and grow through sailing. We provide universal access to the Bay to help foster connections between our community and the Bay. Further, we put children first by making sure that they learn much more than just sailing.

Today we serve approximately 3,800 people annually from all over the Bay Area. Our programs include all levels of training for youth and adult sailors as well as those with physical or developmental adaptive needs.

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We have orientation and introductory classes. Every participant leaves with an invitation to return for our out-of-school and after-school programs. Our progression program culminates with high school sailing, a junior instructor training program and ultimately opportunities to be employed full time as sailing instructors and teachers.

We are home to the U.C. Berkeley Sailing Team and the Envision Academy Sailing Team, the charter school in Oakland. We can provide these opportunities because of where we are situated on Clipper Cove. It is a unique gem located in the middle of San Francisco Bay with steady winds and a protective cove.

Clipper Cove provides space for safety training and paddling and stand-up paddle boarding and provides instructional training area with adequate upwind sailing space. It also includes a large space for high school and college sailing as well as adult racing. Clipper Cove is also ideal for community events. We have many community participants at our events. I invite you all to visit us at your convenience and to share our organization with your regional schools, parks and recreation departments and other outreach programs.

Thank you so much for your time today.

Commissioner Kim commented: I know that this is an issue where there have been discussions in the community about TISC and the way the current Environmental Impact Report (EIR) has studied the area in which the sailing happens. I am wondering if you could illuminate us on some of these discussions and what is appropriate for family and children sailing in the Treasure Island area. I know many of these thoughts had not been conceived when the EIR was drafted. And now the Sailing Center is successful and robust and we have many people out there. It is increasingly becoming a concern in terms of how we map that area.

Ms. Harris-Adamson replied: This slide shows the protected area you are talking about. When the EIR was discussed back in 2006 and then again in 2011 – the 2011 EIR was primarily based on the land side and there was not any discussion about the water side. In 1999 we started with eight kids and by 2006 we had a couple of hundred. Now we have over 2,000. Other sailing centers that are similar to us in similar cities serve between 20 and 50,000 people per year. This project had been delayed over a long period of time and at the same time sailing and access to the Bay has changed.

It used to be that you needed to own a boat and go through a yacht club or something like that to have access to the Bay. Now what we are seeing is this sprouting of all these community sailing centers to give people access.

San Francisco is unique. There are a lot more spaces to sail on the East Coast. In San Francisco Bay it is much more challenging. We have heavy winds and we have strong currents and there are not many places around the Bay to teach sailing.

For families and children to actually go out on the Bay, they need a space like Clipper Cove. They are not going to go out on Crissy Field or on Marina Green because it is dangerous. Our hope is as development moves forward that all the stakeholders can really look at the uniqueness of this cove and preserve as much community use as possible.

Commissioner Kim inquired further: Do you have any thoughts in terms of what potential solutions might be in terms of ensuring that we are protecting family and children activity and exposure to the Bay through this program? Our office really does want to facilitate these conversations and dialogues.

Ms. Harris-Adamson answered: I do feel that there are solutions that would allow an improvement and expansion of the marina and also allow all of these community sailing activities to occur. There has to be a will for a change in plans and an acknowledgement that things have changed in the last 16 years. Our concern is that there is not enough open sailing space for community activities. Under the current marina proposal if the footprint was designed in a more efficient layout there could still be an expansion of a modernized marina and it would still allow for enough safe space for recreation.

Commissioner Kim stated: Thank you for some of your thoughts on this and congratulations for the growing expansion of this program. I met some families that participate and they love the Center and the exposure that it provides their children.

Commissioner McGrath commented: I represent wind surfers and I am not going to lobby you in particular. This is not the only kind of problem for small-scale sailing access to the Bay, notwithstanding the passage of the Water Trail Act, but small sailors feel like they are being besieged. It is not just this part of Treasure Island; windsurfers used to sail off the tip but construction or remediation has been going on for five years; so in terms of that, access has been limited. There is serious erosion at 3rd Avenue, which is the kite-boarding area. There is a threatened loss of parking at Crissy Field. In the south basin in Berkeley the ongoing sedimentation has made it almost impossible for teaching sailing for significant parts of the year for Cal Berkeley. Upwind development at Burlingame threatens Candlestick. I think you get the picture.

Although we have a recreational plan I do not know that it anticipated all of those things and it may be appropriate to bring that back for a briefing to look at it and to see how much things have changed so there could be a public opportunity to comment on it.

Acting Chair Halsted commented: I was very happy to see how well the Sailing Center has done. I was on TISC when you first got started. I am a small-boat person myself. I really appreciate what you are doing for community access through your programs.

Acting Chair Halsted moved to Approval of the Minutes.

4. Approval of Minutes of the April 7, 2016 Meeting. Acting Chair Halsted asked for a motion and a second to adopt the minutes of April 7, 2016.

MOTION: Commissioner Nelson moved approval of the Minutes, seconded by Commissioner Pine.

VOTE: The motion carried with a vote of 17-0-0 with Commissioners Addiego, Bates, Gilmore, Scharff, DeLaRosa, Gibbs, Gioia, Kim, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and Commissioner Sears abstaining.

5. Report of the Chair. Acting Chair Halsted reported on the following:

a. **New Business.** Does anyone have any new business to propose? (No comments were voiced)

b. **Bay Trail** I would like to direct Commissioner's attention to the boxed set of Bay Trail maps before you. These were kindly provided to Commissioners and staff by the Bay Trail Project. On behalf of the Commission I would like to thank the Bay Trail Project for the maps and for all the hard work that they do to improve recreational access to and along the Bay and to complete the Bay Trail. We look forward to the day that the Bay Trail is unbroken around the entire Bay and working with the Bay Trail Project to ensure that the Bay Trail is provided for as we plan for a rising Bay.

c. **Next BCDC Meeting.** At our May 19th meeting, here at the Ferry Building, we will have the fourth of our Commissioner workshops on rising sea level.

d. **Ex-Parte Communications.** That completes my report. In case you have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite Commissioners who have engaged in any such communications to report on them at this point. (No comments were voiced)

6. Report of the Executive Director. Executive Director Goldzband reported: My family was at Grand Canyon National Park during the week when the Commission last met. Experiencing something that big and wonderful puts our daily issues such as BCDC needing a short-term cash advance in their rightful place. We are waiting for the Governor's May Revise. That being said, great things are accomplished by putting a lot of small things together, so we'll keep on working at BCDC.

As I alluded to just now, on the advice of the Department of Finance we have made contact with the State Controller's Office to arrange a short-term cash advance that will get us through this fiscal year without running in the red. I want to stress that this is a cash-flow crunch, not a structural budget issue. Put simply, the imposition of the State's new accounting and budgeting system that did not allow us to close our books from last fiscal year until six months into this fiscal year also has not enabled Sebastian and Anna to bill our staff's time working on our grants and contracts. This means that the money that we would ordinarily get in has not come in.

One more bit of not so good news – we still do not have a chief budget officer. We are now exploring the possibility of contracting with the Coastal Commission for this service.

Thankfully, we also have some good news. Unless any Commissioner objects, we shall hire Christine Nutile as our Records Manager. Ms. Nutile has an undergraduate degree in English Literature and Modern Dance from Cal – a dancing Bear – and a Master's Degree in Library and Information Science from San Jose State, a very Spartan looking school. She has worked at PG&E and the U.S. National Archives and Records Administration. We are excited for her to come on board as she will help us move our records fully into the digital age which will reduce our dependence on 4" by 6" index cards to access our permit records.

You will remember that you received a memo from me last week informing you that we also planned to hire Cherise Johnson as a new Office Technician to replace Greg Ogata, who transferred to BCDC's Legal and Enforcement Unit. As no Commissioner raised an eyebrow at the news, I want to ask Cherise to stand up (stood and was recognized) – she comes to BCDC from the City Manager's Office in Berkeley where she provided temporary clerical support and from the State of California's Department of Toxic Substances Control for which she provided clerical and technical support for nine years. She has a Bachelor of Arts in Technical Management from DeVry University. We welcome Cherise to BCDC's Clerical Unit.

Michelle Liang has started with us as a senior accounting officer (stood and was recognized). She has a B.S. in Accounting from Cal State, Sacramento so she is a Hornet. Prior to joining us she was an accounting analyst with the State Controller's office in the unclaimed property division.

Last week, Brenda Goeden was in Charleston; and after wandering the streets for a few days she found a NOAA Coastal Fellow to join BCDC for two years. Unless I hear otherwise, Alex Braud will start his Fellowship with BCDC in August. Alex earned his BS in Geography with a minor in Oceanography and Coastal Sciences and has a second BA with a focus on Disaster Science and Management from Louisiana State University in Baton Rouge. He is a Tiger through and through – he will soon earn his Master's degree in Environmental Studies and Public Administration from LSU. He has undertaken public outreach activities with stakeholders of South Carolina's working waterfronts and also has very strong GIS and programming skills.

I have mentioned to several of you that BCDC's Enforcement Unit will soon be bringing to you and the Enforcement Committee several large-scale issues for resolution. You should know that on April 22 I issued an Executive Director's Cease & Desist Order to begin resolving alleged violations of the Mac Act and the Suisun Marsh Preservation Act involving unpermitted fill and development activities at an island known as Point Buckler. I cannot provide details concerning the violations at this time

and we have not provided the Commission with a copy of the Order because this matter is likely to come before the Commission for its consideration prior to the Order's expiration.

There are a couple of items in your packets that I would like to draw your attention to. The first is a letter from Governor Jerry Brown to Florida Governor Rick Scott saying that California has better things to do, than have a governor from Florida here trying to take our business. I encourage you all to disseminate that. I also would encourage you to read the newspapers tonight because a very good friend of BCDC, Representative Mark Desaulnier, announced this morning that he will run for reelection but that he is a cancer patient with leukemia. It is the kind which is treatable and he has gone through treatment. We send him all of our best thoughts.

Finally, I urge you all in the strongest possible way to attend BCDC's next meeting – in two weeks, on May 19 – when you will have the opportunity to discuss the staff summaries or recommendations that have arisen from your previous three public workshops on rising sea level policy issues.

You will find that they are both long-term and short-term and they will be fodder for a great deal of very, very good debate. I encourage you all to attend and to encourage your alternates to attend. We think it is very important that as many of you as possible discuss this.

That completes my report and I am happy to answer any questions you all may have.

7. Consideration of Administrative Matters. Acting Chair Halsted announced that there were no administrative matters to consider and moved on to Item 8.

8. Session on the Refusal of the U.S. Army Corps of Engineers (USACE) to Accept Certain Conditions to the Commission's Concurrence with the BCDC Consistency Determination No. C2015.002.00 for the USACE's Operation and Maintenance Dredging Program for San Francisco Bay. Acting Chair Halsted announced: Item 8 is a closed session regarding the U.S. Army Corps of Engineers' refusal to accept certain conditions of the consistency determination by the Corps for its maintenance dredging activities. Therefore I am asking everyone to leave the room, except for Commissioners, our staff and the Attorney General's staff, while we hold this session. The room was cleared and the closed session began at 1:29 p.m.

Chair Wasserman announced: The report of the closed session is that we have completed our closed session regarding the U.S. Army Corps of Engineers refusal to accept certain conditions of the Commission's concurrence with the Corps' consistency determination for its maintenance dredging activities and did not take a reportable action.

This brings us to Item 9.

9. Briefing on Pending Legislation. Chair Wasserman continued: Item 9 is a briefing on pending legislation and Steve Goldbeck will make the presentation.

Chief Deputy Steve Goldbeck presented the following: I will review some pending legislation that may be of interest to the Commission. We have not scheduled a vote to take positions on any of these bills.

There are a couple of bills in the state legislature that may be of interest. The first is AB 2800 by Assembly Member Quirk. It is called, *Climate Change Infrastructure Planning*. It is set up to address the gap between the state adaptation policy for the state and the folks who actually do the infrastructure planning to make sure that they are actually taking account of climate change in their actions.

It would require the Natural Resources Agency to have a panel that would address how to do that.

It has passed Natural Resources Committee and it is in the Appropriations Committee. The Resources Agency is discussing the bill with the author to talk about to the extent that it is redundant to the present requirements and some of the amendments that might be taken. This is one bill that going forward we might want to bring back for Commission support.

The next is Assembly Bill 2013 by Assembly Member Thurmond, Sea Level Rise Preparation. This addresses environmental justice in planning for climate change and directs the Resources Agency to address on it. It is a spot bill and it has not moved. I do not think it is going to move this session.

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The next bill AB 2092, Frazier, *Abandoned Water Craft Abatement Fund* addresses abatement of abandoned boats and the Commission has heard plenty of briefings about the problem of abandoned boats. There is a state fund that is largely funded by fees on recreational craft that can be used to abate abandoned boats.

This bill would broaden that fund to allow abatement of commercial boats in addition to recreational boats. We believe this is consistent with your past positions on dealing with abandoned boats. The controversy around the bill is that the funds that are generated by these recreational boat fees are fairly modest and the cost to abate the boats is not even covered by that. Commercial boats are bigger, more expensive and so the question is: Is that equitable to the recreational boating community to broaden this? As we look at it the real benefit is to not run into an abandoned boat while you are out boating. It appears that it is something that the Commission would want to support.

Commissioner Pemberton and I talked about this and she requested that we hold off taking any position. She would like to participate in the discussions. We will put that off to another Commission meeting.

There are a couple of bills that address public trust issues, for example, SB 1172 by Senator Hancock, *Tidelands and Submerged Lands, City of Albany*. This bill updates the public trust grant to the city to delete references to the obsolete 1977 Waterfront Plan. It also deleted a reference to BCDC that is obsolete.

There is also AB 2797, Chiu, *City and County of San Francisco, Mission Bay South Park Redevelopment Plan* which addresses the Port Public Trust Grant for seawall lot 337 on the southern waterfront, which is adjacent to Pier 94 that is proposed for development.

It addresses how the lease funds from non-trust uses would be used. The development would have all of the seawall lot in the Commission's jurisdiction as parklands.

We do want to let the Commission know that the Port staff has contacted us about including in this bill some provisions relating to the designations under your Bay Plan, the Special Area Plan and the Seaport Plan, that apply to Pier 94 and that needs to be addressed. We are talking with the Port about that and if we all decide that that is a good way to proceed we will bring it to you for your consideration likely at your first meeting in June.

These are the major bills that we have looked at. There are also some Coastal Commission bills that have come out over the recent controversy over the Executive Director being replaced or is being replaced.

We have been looking at these bills to see if they would have some spinoff effect and so far they are specific to the Coastal Commission.

Executive Director Goldzband commented: When members dropped the bills in regards to the Coastal Commission I immediately called J.R.'s (Commissioner DeLaRosa) colleague Keali'i Bright who does the legislative side for Resources and said, we are happy to discuss this. Just make sure that you let us know in case anybody decides to expand what they try and do at the Coastal Commission to BCDC. So far there has been no action to any kind of expansion on the legislative side. We are in communication with the Resources Agency.

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Chair Wasserman added: We are not now nor have we ever been the Coastal Commission (laughter).

Mr. Goldbeck continued: And that is it for the state bills. We will close out with federal legislation. You are all now very familiar with the Corps and the federal standard and its limitations on the beneficial reuse of dredged material.

There has been a coalition put forward to try to address this legislatively. That coalition includes BCDC, the State Coastal Conservancy, the Bay Planning Coalition, Save San Francisco Bay Association and the Bay Institute. We have been talking with the Bay Congressional Delegation about putting language into the Water Resources Development Act which is the federal bill that is passed every several years or longer that provides for authorizations and policy guidance for the Corps of Engineers.

I am very happy to relate that the markup on the Senate's side of the Water Resources Development Act has just been released and this language in your packets, Section 2017, addresses beneficial reuse of dredged material. What it provides for is that the Corps may place dredged material from federal projects at another authorized Water Resource project if the Secretary determines that the placement would enhance protection from flooding by storm surges or sea level rise, contribute to shoreline resiliency, including wetlands and also be in the public interest as long as the cost associated with the placement is reasonable in relation to the environmental flood protection resiliency benefits.

It goes on to state that the additional costs to do this should be borne as a part of the O&M project so that they would not be passed on to the local dredging sponsor.

This would address head on this issue of the federal standard. We are very pleased that the Senate has introduced and it goes a long, long way. We have a couple of tweaks that we would like to do to broaden it, for example, right now it is the beneficial reuse at another federally authorized site. There are very few of those in the Bay so we would like to broaden that.

Our group is now working on some proposed amended language that we will share. The House has yet to mark up, as the Executive Director just mentioned, and we are working with them as well.

Once we have language on both sides then we will probably come back to you with an official position on proposed language. Right now we are working more informally through the Delegation.

That is what I have right now and I would be happy to answer any questions. If anybody wants any specific bill language or references I am happy to provide it.

Chair Wasserman continued: Any questions? (No questions were voiced) That will bring us to Item 10.

10. Briefing on the Suisun Marsh Local Protection Plan Update. Chair Wasserman announced: Item 10 is a briefing on the Suisun Marsh Local Protection Plan update. Cody Aichele-Rothman will make the presentation.

Coastal Planner Cody Aichele-Rothman presented the following: I am a coastal planner here at BCDC. Today I will present the update of the Suisun Resource Conservation District's component of the Suisun Marsh LPP, the Suisun Marsh Management Program and the Individual duck club Management Plans.

This work is funded through a 309 grant from NOAA. We anticipate completing this work by the end of this calendar year.

Alex just passed around a couple of copies of the original Suisun Marsh Management Program as well as a couple of blue folders. In these blue folders are some of the original duck club management plans.

Today I will talk to you about where is the Marsh and why does BCDC care about the Marsh? What is the role of BCDC in the Marsh and what have we been doing.

The Suisun Marsh is a very large area. It is 115,000 acres. The City and County of San Francisco is about 30,000 acres. The Suisun Marsh is about 13 miles across and about 12 miles top to bottom, while San Francisco is about seven miles across in either direction.

We have 52,000 acres of managed wetlands, which are further broken up into private and public lands. The area that we are concerned with here is the 37,000 acres of private managed wetlands. There is also about 30,000 acres of uplands, 6,000 acres of tidal marsh and another 30,000 acres of rivers, bays and sloughs.

The Suisun Marsh is a brackish water marsh. It has the salt water of the ocean coming to meet and mix with the freshwater of the Delta. This mixing creates a range of salinities, which create the most productive type of marsh, which in turn supports the widest variety of marsh-dependent wildlife. It is very important that we maintain this range of salinities and keep them where we want them because otherwise not all the species that are present there will be able to survive.

There are over 221 different types of birds that live in the Marsh. There are 40 different kinds of fish as well as 44 mammals, nine reptiles and six amphibians. We have a great variety of plant species. These include federally listed threatened and endangered species, water fowl food sources as well as invasive pest species.

The Suisun Marsh is the largest brackish marsh in the United States. It contains over 10 percent of the total remaining natural wetlands in California and therefore is a principal watering area for the Pacific flyway. The Marsh supports over 80 percent of the state's commercial salmon fishery. Because of all of these important aspects it creates a wildlife habitat that is of nationwide importance.

Originally the Suisun Marsh was completely tidal. At that time it was occupied by the Patwin tribe. It is from the Patwin language that we get the name Suisun. It means west wind. In the 1850s settlers started diking these tidal marsh areas into agricultural areas. In the 1930s they started in with the Central Valley Project, which created these big diversions to get some of that Delta freshwater farther down into California. This had severe impacts on the salinity levels that we find out in the Marsh. A lot of those agricultural areas were then converted into duck clubs. With the State Water Project in the 1960s we saw further deterioration of water quality in the Marsh, which led to legislation that happened in the following years.

BCDC became active in the 1970s in the Marsh. In 1976 we had the Suisun Marsh Protection Plan and in 1977 the Suisun Marsh Preservation Act. In 1980 we had the Suisun Marsh Management Program. A few years later the IMPs, the Individual Management Plans were all certified by BCDC.

Then 32 years went by where many things happened in the Marsh with other various stakeholders but not so much anything with BCDC. We are now taking our spot back, therefore I am updating the Suisun Marsh Management Program and all of the IMPs.

The Suisun Marsh is broken up into two main management areas. The Primary Management Area is 85,000 acres. In this management area we have regulatory authority. We issue major and minor permits and BCDC generally partners with the Suisun Resource Conservation District to manage all the duck clubs.

In the 23,000 acres of Secondary Management Area we have appellate authority. This is supposed to be a buffer area protecting the Marsh habitats and waterways found further into the Marsh. Overall the Suisun Marsh is protected by a Local Protection Program. This program is broken into six different parts.

The part that we are really concerned about is the Suisun Resource Conservation District's component of the LPP. This is further broken up into the Suisun Marsh Management Program and the Individual Duck Club Management Plans.

An LPP is a local protection program which is a delegation of authorities to the local governments using a BCDC certified plan to make their management and development decisions.

An IMP is an individual management and habitat plan for each of the duck clubs. When I say duck club I mean managed wetlands. Managed wetland is defined in our Legislation by two things. One of the things is that you have to grow waterfowl food plants to attract birds and two, you have to be actively manipulating the flow of water across your property.

We are trying to update and refresh the Suisun Marsh Management Program and we are trying to reinvigorate the 132 Individual Duck Club Management Plans. The Suisun Marsh Management Program is a management program that describes the everyday duck club management out in the Marsh.

This program is led by the Suisun Resource Conservation District and it provides active duck club land owners in the Marsh a set of pre-approved maintenance and management actions they can undertake without coming to BCDC to get an additional permit. These are things such as repairing levees, grading your pond bottoms; some of the basic everyday stuff. If you wanted to build a new levee or create a new structure out on the Marsh you are still going to have to come to BCDC to get a permit.

The Individual Duck Club Habitat and Management Plans goal is to attract water fowl, provide water fowl food and habitat, preserve the open space and maintain hunting opportunities and experiences.

Right now there are 132 actively managed duck clubs in the Marsh. We are going to update each and every one of them. We are working with SRCD to create a useful template to make this updating easier for everybody.

These new plans are going to be more useful and effective for the landowners themselves. Within this template we are looking at creating some common language and we are also going to move from those paper hard copies to something digital and a bit more useful moving forward.

This program is going to be GeoMarsh. This is a new transparent web tool for all Suisun Marsh stakeholders which we developed here in-house. We have taken all of the individual files for each of the plans and we have created data layers that are Marsh-wide. This is going to be a better online web tool for management moving forward.

The Suisun Marsh Management Program has been reworked using legislation and other updated documents from the past 30 years. We are hoping to get this new document out for review later on in the spring to the partner resource agencies.

We are looking to release the new IMP template early in the summer. That is going to go out to SRCD where they are going to have the water managers help fill in all the templates so all of the IMPs are being made. We are then going to take those over to the land owners and have them fill in the missing information and also collect some more GIS data which is missing from our web tool right now.

I will be back to give you more updates regarding the Management Program and the IMPs. Later on in the fall of this year we are going to begin the BCDC certification process for the LPP.

Does anybody have any questions?

Commissioner Nelson commented: There is a spirited conversation happening right now between what is now known as EcoRestore in what used to be half of BDCP that is working on habitat restoration opportunities in the Delta especially with a focus on listed fish species and folks in the Suisun Marsh. EcoRestore would like to restore a significant amount of tidal marsh in the Suisun Marsh and some of the water fowl interests do not love that idea.

Can you tell us how that plays out both in the overall Marsh Plan and in the IMPs?

Mrs. Aichele-Rothman replied: Well that really does not have anything to do with this particular project. EcoRestore is something that is set up looking to restore somewhere between 5,000 and 7,000 acres of tidal marsh both in the Suisun Marsh and in the Delta. They have a couple of projects that they have already eyed in the Suisun Marsh which you are going to hear about a bit later on in the summer.

In terms of the IMPs, they are not really connected at all. The properties that they are looking to restore are going to have to be willingly sold to various agencies as restoration projects. The properties that we are looking at here, for this update and for the IMPs, are actively managed wetlands.

Most of the actively managed wetlands want to continue to be actively managed wetlands and they are not interested in selling their properties for restoration. They want to keep doing what they are doing.

It is a separate effort. They are not terribly connected.

Commissioner Nelson voiced a slight confusion: That leaves me slightly confused because if individual clubs are filing IMPs, if some of them are purchased they are not going to be managed according to that IMP. Overall, if a meaningful amount of the Marsh is going to be converted to tidal marsh it seems like it would show up in the overall Suisun Marsh Management Program.

Mrs. Aichele-Rothman clarified some details: Well, it is not going to show up in this program because this program is really concerned with these private acreages. EcoRestore is looking at the public acreage or new purchases that they are getting in which case a Marsh land owner would then choose not to update and they would sell their land to some resource agency.

Once they do that they are no longer a part of the Suisun Marsh Management Program. The Management Program is strictly the privately owned managed wetlands; not the public, not the restoration projects; they are in that 15,000 acres.

Commissioner Zwissler gave an accolade: I just wanted to compliment you on a succinct and energetic presentation.

Commissioner McGrath commented: This was very interesting stuff that I did not know. So we have these management plans for individual activity and allow them a breadth of activity. Do we have any enforcement posture if they do something that is –

Mrs. Aichele-Rothman answered: Yes we do. Generally, if they are not going to follow their management plan then, yes, we have enforcement options. But, for the most part, active duck club owners out on the Marsh follow along fine. They also have other partner agencies out on the Marsh that also operate and have regional general permits such as the Army Corps. The active duck club owners out on the Marsh have been following these plans and they have been following the Army Corps' regulations as well as the Water Board's regulations.

Mr. Goldbeck added: Your enforcement staff would tell you that the tools that you have to enforce your laws and policies in the Marsh are not up to the standard that you have for your Bay jurisdiction. The thought is that down the line we probably want to address that. What we first wanted to do was work cooperatively with the land owners and the SRCD and the other folks in the Marsh to bring everybody up to date because otherwise everybody might be subject to enforcement rather than bringing them into compliance and then dealing with issues that might arise.

Commissioner Pine commented: Commissioner McGrath we really are fortunate to have your encyclopedic knowledge. I am still a little confused by this term, managed wetlands or duck club. You say that a duck club is a managed wetland where you have to grow water fowl food and actively manipulate the water. There are actually groups of organized individuals that hunt ducks?

Mrs. Aichele-Rothman replied: Yes. There used to be 165 clubs and we are going down to 132.

Commissioner Pine continued: I assume that this is going to be the plan and it will be substantially different than the one we did back in 1980.

Mrs. Aichele-Rothman responded: Many things have happened. In the 2014 the Suisun Marsh Habitat Preservation and Restoration Plan, the SMP was finalized. This is the big document that we are now looking at in terms of Marsh management overall. And this plan was done by the principal agencies, the Department of Fish and Wildlife, the Department of Water Resources, the SRCD, U.S. Fish and Wildlife and the National Marine Fisheries Service. They created this document which is an overall, Marsh-wide management program in itself.

We have a consistency determination out with that document. We are taking our Marsh Management Program and we are bringing it up to standard with that document.

There has also been some other legislation that has gone out. Some of the State Water Board's decisions that have gone out in the past 30 years and then changed a couple of times. We are bringing that up to standard as well. We are also bringing up some of the standards to the Army Corps Regional General Permit. There has been a lot of activity out in the Marsh.

Commissioner Pine agreed: Of course. Do we have a goal of updating these every 10 years?

Mrs. Aichele-Rothman replied: We are hoping this one will last a while. I do not know about 30 years like the past one, but we are hoping it will last a while.

Mr. Goldbeck added: And also the benefit of having it on a digital database is going to make it a lot easier to update.

Chair Wasserman moved on to Item 11.

11. Briefing on Resilience by Design Challenge. Chair Wasserman announced: Item 11 is a briefing on the Resilience by Design Challenge. The staff presentation will be made by Lindy Lowe.

Senior Planner Lindy Lowe addressed the Commission: I will not be talking about the Resilience by Design Project and effort. I want to introduce Diana Sokolove of the city of San Francisco's Planning Division. We have been working with the Resilience by Design effort for about nine months now. We thought it was more than past time to have them come in and give a briefing to the Commission. We also have Margie O'Driscoll here who is running the design competition. (Stood and was recognized)

Senior Planner Sokolove addressed the Commission: I am a senior planner at the San Francisco Planning Department. I manage our Resiliency Program. This design challenge is trying to unify the region and bringing forward all the good work that has been done so far around sea level rise. We are also trying to leverage existing efforts and add value to all of them going on in the Bay right now.

Most notably we are talking about BCDC's Adapting to Rising Tides Program. BCDC has been one of our key partners from the first day that we started talking about this. I am very grateful for this partnership and for all of the work that has been done in the region through the ART Program because that program really laid the foundation and the groundwork for actually having this kind of challenge which would eventually bring implementable solutions with the support of local government, the region, the state, the federal government and all of the communities and folks who live around the Bay and implementing those solutions so we have a resilient community around the Bay; not just a community that responds to sea level rise and coastal flooding and watershed flooding but looks at issues that have to do with equity and affordability and transportation.

Margie will talk a little bit more about how the design challenge was run on the East Coast. I will just say that the design solutions that were put forward, the ones that won, were ones that incorporated very varied multiple benefits. That really is a lot about what resiliency is about, multiple benefits and making sure that we are protecting our communities, that we are withstanding change, that we are evolving and that we are looking at those changes through the lens of social equity and vulnerability and economic development.

So this is a lot of things to a lot of people and the ideas to really bring it around the region so that we can get all of the different communities around the region who are vulnerable, get their input, and make sure that we are elevating their dialogue around these issues.

I think this Commission is well aware of the threat and I do not think I have to go into detail on this for you. This Commission is at the forefront of moving policies forward around sea level rise and climate change. It is the threat of our time and is a threat now.

The solution is varied and it depends on who you talk to. It is complicated. It is sometimes intractable and it involves a marriage of science and policy. The answers are out there and with this design challenge we have the opportunity to bring the best minds, internationally, locally, regionally, at the state level; people of all kinds to come together who are the ones that live day-to-day with these threats. We want to hear from them.

I firmly believe that if we do bring those folks together in a meaningful way with good intention that we can actually come up with solutions that work for people. I do think those solutions are out there.

Within our goals we want to help move along all of the good work that has been done around the region around a unified vision for sea level rise, for making sure that we develop resilient communities.

The solution that we are putting forward or rather, the process that we are putting forward is tried and true. Margie can talk a little bit more about the design challenge that occurred on the East Coast. It won CNN's Ten Best Ideas of 2013. The projects are being funded and implemented.

The reason this is so is because they received a lot of buy-in along the way. It is not your typical design challenge. It is not like you have a bridge and you want to come up with a bunch of different designs on how to do one particular bridge. This is an opportunity for these great minds at a multi-disciplinary level to come together to actually work with each other and peer review each other's work; to work with folks who understand the region, folks like yourselves, to come together and come up with implementable solutions that work for everyone.

We do hope that the solutions are replicable. We would be the first region that is putting forward this kind of design challenge at this scale. This is the first time that we are doing something that is actually at this scale without having had a major disaster.

We are not rebuild by design, we are resilience by design. We hope that we can be a model for other cities and other regions and other areas around the country and around the world.

I am going to ask Margie to come up and talk a little bit about the East Coast competition.

Ms. Margie O'Driscoll addressed the Commission: The last time I stood in front of this body was to talk about the Rising Tides competition that I was a part of many years ago. That was a BCDC-led visionary competition to garner support and understanding of the entire Bay Area about sea level rise in terms of how it related to the Bay. That was brilliant and it was the first of its kind and it was out-of-the-box thinking. In some ways that is the big vision that helps guide this competition.

The way that this process works is entirely different. The outcomes will be very different than some of that visionary idea that we had before.

In that competition of the past we called for ideas from around the world and asked for great ideas and ways to think about rising tides here in the Bay.

We issued a call and we spent some time thinking about what the problem was and we said to design teams and artists, how can we solve this? We really did not care if the ideas were implementable. We cared about whether they would inspire people and get people talking and engaging in a dialogue. That was quite clearly why I got involved and was interested in being part of that work.

This competition now is something different that we are proposing. It is much more along the line of the work that Lindy has been doing with the ART Program of actually trying to work with communities quite deeply to come up with solutions that are visionary but also grounded in the reality of place and possibility.

We issue a call around the world and we say, great design teams from around the world come and help us solve these problems. We expect some teams like what happened in the earlier competition will be local and some international and some a combination.

The teams will be multi-disciplinary. We are going to ask for architects, landscape architects, hydrologists, ecologists, artists and a variety of other people to be part of these teams. We are going to do a selection process and we will select 10 interdisciplinary teams. We will give them some ideas and take them around and have them learn collaboratively about what our problems are.

It will be about the Bay in front of us, about shipping, about how the water is rising but also about important issues which we are all grounded in right now; things like social equity and social change and innovation which helps define our Bay.

At the end of this four month long research period we ask each of the 10 teams to identify for us three to five places where they want to work. The reason we ask them is that we know some teams are going to fall in love with particular communities and some teams will fall in love with a particular challenge of a particular location. We want to make sure that we have a variety of different teams working on a variety of different problems from a variety of different perspectives so that the ideas that come out of this competition may be replicable in other parts of the Bay. We are not only going to go to one place. We are going to be all around the Bay.

Once the teams are assigned their location then they work really deeply for about a six month period. They have to work very deeply with government agencies as well as communities because at the end of the day they have to come up with ideas which are implementable so that they can stand in front of this body and other bodies shoulder-to-shoulder and say, we are the design team, here is our idea and here is all the support we have. It is not the design team alone. It is government and community saying, we support these ideas.

We know that we have to have that and that has to be strong to win this competition because at the end of the day our next challenge is, where is the money going to come from to do these things?

We know that we will never get to that point without making sure that we have that collaboration stepping forward.

The actual competition process takes about a year. The place where we are right now is very actively gathering community support and government support and fundraising. This is a pretty expensive undertaking so we are fundraising right now with government agencies, philanthropy and individuals to launch the challenge.

I am happy to answer any questions.

Ms. Sokolove added: I did want to list out for you some of our partners. We are working with our chief resiliency officers in San Francisco, Berkeley and Oakland and a lot of the cities and counties around the Bay. We are also working with some of the water districts such as Santa Clara Valley Water District. We are working with BCDC, Bay Area Regional Collaborative, ABAG, Coastal Conservancy, SPUR, Climate Readiness Institute and San Francisco Estuary Institute.

We have talked to many other groups around the Bay such as Save the Bay, the Bay Planning Coalition, the Bay Area Council and there has been universal support of bringing in these great minds to come up with implementable solutions for some of these very complicated problems that we have.

Commissioner Zwissler inquired: How many winners are there going to be? What is the end product?

Ms. O'Driscoll replied: There could be 10 winners. We will have an internationally renowned jury who will be representing many different disciplines. They will determine what the criteria are. At its core the criteria are, does it have government support? Does it have local support? Does it have support from the community? Is this something that people want? Does it actually solve the problem?

We will be working with BCDC and our other partners to formulate what those criteria looks like along with our jury.

If 10 design teams come up with winning solutions then we could have 10 winners.

Commissioner Pine asked for clarifications: I want to understand what happens during that four month research where you select the teams and then they go through an education phase all around the Bay and I assume you give them a list of potential areas that could lend themselves well to such a project, ultimately they are going to pick one. Will they visit 30, 40, 50 – or are they going to come up on their own where they want to do the work? How does it get honed in to where they do the work?

Ms. Sokolove answered: We will have a very rigorous research program all laid out for the teams before they get here. They would spend some significant time here but ultimately they are going to be taken to areas around the region that we have already pre-screened as areas that meet certain criteria; areas that represent different needs to be interventions, where there is already data available and where there may already be some community support. It is a lot of heavy lifting for the teams to do on their own and so we want to make sure that there is some mobilization of efforts before we take them to a certain area where there may be funding available to implement the actual solutions or where we could actually bring in funding for implementing those solutions.

Where there may be intractable issues, where there is real vulnerability, social vulnerability, physical vulnerability; so we are working with our partners to really sketch out where those places are. We are starting to hear some of the same places just keep popping up. The places are just obvious as to where we make sure we take the teams. They would be out on boats. The visits would be bus tours. We would organize all of that for them.

Ms. O' Driscoll added: If you have suggestions we are all ears. It is very important to understand existing communities. This is as much about the water as it is about the people who help define the Bay. That is a really important thing to highlight here. And the way that we study the region is going to be about the role of water but also how it is going to intersect with the way that we live now. This is the undergirding of the research period.

Vice Chair Halsted commented: I am really excited that you are doing this. And you will be sure that all the counties are engaged in this process?

Ms. Sokolove replied: Yes, absolutely. It is our goal to really circle the region and make sure that we have touched all nine counties. We have met with a number of municipalities and counties who are currently doing significant work in these areas.

Vice Chair Halsted inquired further: In putting forth the technical standards which you are trying to design for, I am under the impression that it will come from a combination of BCDC and SFEI. Is that correct?

Ms. Sokolove responded: And our juries. And, yes, we would be working with BCDC and SFEI.

Vice Chair Halsted continued: So there will be some set of standards that you will agree to before moving in?

Ms. Sokolove replied: Yes. Some of them may be different based on the locality. We want to make sure that we look at local numbers as well.

Chair Wasserman commented: The international juried element of this is very important. The real winners will be the projects that are implemented. A piece of the contest will not simply be that these projects can be implemented but we will have strategies about how to implement them. I thank you for your efforts to date and ongoing. We are excited to be a part of it.

Our meeting on the 19th, which is here, will be a workshop summing up and being prepared to adopt a set of actions to move forward to adapt to rising sea level. I would encourage you to encourage your alternates to attend as well and anybody else who is part of your constituency who is critically a part of this. I hope this will be a decisive meeting. With that, I will entertain a motion to adjourn.

12. Adjournment. Upon motion by Commissioner Vasquez, seconded by Commissioner Zwissler, the Commission meeting was adjourned at 3:18 p.m.