

San Francisco Bay Conservation and Development Commission

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July 26, 2019

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdca.gov)
Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdca.gov)

SUBJECT: Draft Minutes of July 18, 2019 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, First Floor, San Francisco, California at 1:09 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Ahn, Alvarado, Butt (represented by Alternate Arreguin), Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Gorin, Lucchesi (represented by Alternate Pemberton), McGrath, Peskin, Ranchod - arrived at 1:34 p.m. (represented by Alternate Nelson until 1:34 p.m.), Sears, Spering (represented by Alternate Vasquez), Tavares (represented by Alternate Nguyen), Techel (represented by Alternate Hillmer), Wagenknecht and Governor's Appointee (represented by Alternate Holzman). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego), U.S. Army Corps of Engineers (vacant), Department of Finance (Finn), Contra Costa County (Gioia), Secretary for Resources (Vacant), San Mateo County (Pine), Governor (Randolph), U.S. Environmental Protection Agency (Ziegler)

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

No members of the public addressed the Commission.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the June 20, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of June 20, 2019.

MOTION: Commissioner Vasquez moved approval of the Minutes, seconded by Commissioner Arreguin.

VOTE: The motion carried with a vote of 16-0-2 with Commissioners Ahn, Alvarado, Arreguin, Gilmore, Scharff, Gorin, Pemberton, McGrath, Peskin, Sears, Vasquez, Hilmer, Wagenknecht, Holzman, Vice Chair Halsted and Chair Wasserman voting, “YES”, no “NO”, votes and Commissioners Nguyen and Nelson abstaining.

5. **Report of the Chair.** Chair Wasserman reported on the following:

a. **State Audit Report.** Chair Wasserman stated: I am pleased to report that two weeks ago a set of Commissioners and staff met with Assemblymember Mullin and Senator Hill who had initiated the State Audit. The State Auditor was there. They spent some time explaining why they had started the State Audit and some of their concerns from reading it.

With the legislators and the State Auditor who was there with her senior staff who had prepared the report they made a big thing about the fact that we had something like 56 comments to the Report; typically, they would have three or four. They thought we were too defensive.

Fortunately Assemblymember Mullin had in his remarks talked about how important the reputation of BCDC is and so we turned that one around and explained we agreed – our reputation is very important and while we think there are some accurate and very helpful comments in the conclusions and recommendations we also think there were some errors in the Report and we thought it important to say that precisely because we believe our reputation is important.

Commissioner Scharff as chair of the Enforcement Committee and our enforcement attorney had done a very thorough preparation and everybody there was quite impressed with our response which talked about the activities of the Enforcement Committee which is now meeting twice a month with a very specific set of responses to each of the basic, audit recommendations.

The best indication of our success in that meeting was it had been scheduled for an hour and we wrapped it up in about 45 minutes and the next 20 minutes were spent informally with everybody talking to each other including legislators, the auditors and the legislative staffs.

As I described it, we went from being taken out to the barn to moving over to the party in the barn. We are still going to continue the efforts to respond and the efforts to improve our enforcement activities, but I think that was good results of that meeting. And it is a meeting that we had requested.

b. The causes most of us care about those central to this agency as well as to our other lives are unquestionably under major assault in this country. The primary topic later on in our agenda is very important and it is focused on our activities but there are days and moments every day now when I think we shouldn't be sitting here; we should simply be out in the streets.

And we have unfortunately so many causes to choose from in the protests we might wish to make and I am getting a little more political than I usually do but it is time for us to individually and collectively stand up and speak out because it is our very democracy that is at risk in this country.

You do have in your report the revision of the EPA rules on the appeal process limiting communities' rights to appeal through the EPA administrative process but continuing applicant's rights to appeal.

We could have a very interesting seminar on due process and determine whether that is fair. I know what the conclusion would be. It will be fought out in the courts.

We have our challenges before us, and I am very glad that we will have this discussion about this very important amendment to the Bay Plan as we move forward.

c. **Next BCDC Meeting.** Our next meeting will be held on August 1st which I will not attend, and we expect to:

(1) Consider initiating a proposed Bay Plan Map Amendment for India Basin in San Francisco.

(2) Hold a hearing and vote on a proposed project for the Alcatraz ferry embarkation on the San Francisco Waterfront.

(3) We no longer need to hold a morning meeting that day but please look at your calendars and tentatively pencil in the September 5th meeting for a potential morning meeting.

d. Ex-Parte Communications. We don't have any adjudicatory matters so there is no urgency in anybody putting ex-parte communications on the public record but if you choose to now is the time to do so. (No comments were voiced)

Chair Wasserman announced: I will turn it over to Steve Goldbeck to do the Executive Director's Report; Larry is on vacation.

6. **Report of the Executive Director.** Chief Deputy Director Goldbeck reported: Thank you Chair Wasserman.

While the good news is that the August 1st agenda has shrunk to one meeting, the proposed agenda for the September 5th meeting is currently overflowing. Hopefully it will sort itself out but if it doesn't, we may be looking for a morning meeting that day but we will keep you apprised.

You have a letter in your folders from the Bay Stewardship Alliance regarding the State Auditor's Report. You also have several articles on rising sea level and the Bay Trail. Also, a Save the Date for the San Francisco Bay Estuary Conference to be held October 21st and 22nd.

State law now requires starting on July 1st that all state agencies websites be accessible to all including all documents. That sounds straightforward but it isn't. Staff is working to assure that all documents we put on the site meet accessibility standards. It is adding a lot of time to document production. This also applies to comment letters we receive, PowerPoint presentations by applicants and anything that we put on our website. So to help ease the burden we are preparing templates and accessibility guidelines for use by anyone wishing to provide documents to us related to our meetings that would normally be put on our website. These templates will soon be downloadable from our website.

We were recently visited by Rachel Ehlers of the State Legislative Analyst's Office, a non-partisan adviser to the State Legislature on fiscal and policy matters. She is researching adaptation needed for rising sea level and what the Legislature might best do going forward in addition to what the state has already been done. We discussed our work at the regional level and also helped set up meetings for her with local government and NGO representatives. She reported that she found the meetings productive and promised to provide us with the report when it is completed later this year.

And lastly, Commissioner Pine recently testified before a committee of the US Congress on restoration of the Bay. You can not only read his testimony but also watch him present it through a link in the What's New section of our website, and, yes, it is accessible.

That completes my report.

Chair Wasserman asked: Are there any questions for Steve? (No questions were voiced)

7. Consideration of Administrative Matters. Chair Wasserman stated: Erik Buehmann is here to answer any questions you may have about the list of administrative actions that we received in the mail on the 3rd and the 12th of July.

Commissioner McGrath commented: Erik the one item is the new ferry terminal in Alameda at the former Naval Air Base and it is a substantial project. I was curious as to how this qualified as an administrative permit and whether or not the design had been reviewed for public access by the DRB.

Mr. Buehmann replied: I am going to let Walt Deppe, who is the analyst on that project, answer your questions.

Permit Analyst Deppe explained: The project qualifies for an administrative permit based on our regulations because it is similar to the size that we allow for those sorts of things.

The entire Alameda Point Project went to the DRB in concept and it was determined that this would be able to be reviewed on a staff level for this individual part of it.

We are also only authorizing interim public-access improvements associated with the ferry terminal since there is going to be a new development coming on soon and there will be conditions about reassessment of the maximum feasible public access for the sight.

Commissioner McGrath stated: Just to be clear I don't object to administrative permits or efficient processing but sometimes I like to know what is going on with public access. So, thank you.

Chair Wasserman asked: Any other questions? (No questions were voiced)

8. Commission Consideration of Office Moving Services Contract. Chair Wasserman announced: Peggy Atwell will present the report on the contract for our move to this building.

Director of Administrative and Technology Services Atwell stated: I am here today on behalf of Anna Yee who is the BCDC Contract Analyst to share in the Staff Report and the recommendation to approve a contract with NC Moving and Storage Solutions for our move next month. Commissioners you received this report last week as part of our mailing and have also been provided today in your packets comment letters from the Bay Stewardship Alliance along with our response as part of this agenda item.

As Commissioners are aware legislators approved BCDC's move from 455 Golden Gate Avenue to this building 375 Beale Street, Bay Area Metro Center.

This was signed by our governor as part of this year's budget. The intent has always been for BCDC to join the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, the Association of Bay Area Governments, the Bay Area Regional Collaborative and San Francisco Estuary Partnership who we work with collaboratively on a local, regional and statewide basis for issues around the Bay.

On April 12th of this year BCDC entered into a seven-year, lease agreement regarding the move with a date of August 16th.

As with any business move we require the assistance of a mover. BCDC following the state of California protocol put this out to solicit a bid and so we are making the staff recommendation.

The staff recommends that the Commission approve a contract in the amount of \$49,993.00 with NC Moving and Storage Solutions to provide the services for us. The recommendation also includes the provisions that allow our Executive Director the option to amend the contract as necessary including revising the amount and/or duration of the agreement as the amount is no more than ten percent of the original contract and doesn't involve substantial changes in the services provided.

I am happy to answer any questions you may have regarding the staff recommendation.

Chair Wasserman asked: Are there any questions for Peggy? (No questions were voiced) Just to be clear this action is simply to approve the contract for the mover. All the documents for the move have previously been approved by this body and the state.

Is there a motion to approve the contract?

MOTION: Commissioner Alvarado moved approval of the staff recommendation, seconded by Vice Chair Halsted.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Ahn, Alvarado, Arreguin, Gilmore, Scharff, Gorin, Pemberton, McGrath, Peskin, Ranchod, Sears, Vasquez, Nguyen, Hilmer, Wagenknecht, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Chair Wasserman added: This move is actually a very important move. It is going to make our ability to act as a regional partner much more effective when we are sharing space with our critical and most, direct, regional partners.

It will not only strengthen this agency it will strengthen the actions of the whole, Bay Region.

9. Public Hearing Regarding Bay Plan Amendment No. 2-17 to Address Environmental Justice and Social Equity. Chair Wasserman announced: That brings us to Item 9 a public hearing on proposed Bay Plan Amendment 2-17 to address environmental justice and social equity. Clesi Bennett will introduce the topic.

Planner Clesi Bennett presented the following: Thank you Chair Wasserman and Commissioners. My name is Clesi Bennett and I am a coastal planner at BCDC. Today I'll be presenting on the Environmental Justice and Social Equity Bay Plan Amendment.

Today's public hearing will start with this staff presentation. It will be about 25 minute long and we need your attention for all of that. We are going to start with an in-depth briefing on this issue because we haven't gone into the history or the background of this topic yet. I will then discuss the Bay Plan Amendment process followed by a set of guiding principles.

These principles laid the foundation for the proposed Bay Plan changes, which we will then walk through with you. After that, I will address some public comment issues and questions that have been raised and we expect will come up in the public comment period. After that we will hear public comments and lastly Commissioners will offer comments.

Discriminatory policies implemented at all levels of government intentionally and unintentionally caused generations of communities of color to face persistent poverty, poor public health outcomes, inadequate public services, disproportionate exposure to polluted air, water, and soil and under-representation in policy-making.

Zoning, in particular, played a significant role in creating environmental injustices. In some cases, industrial land uses were zoned and sited in or near neighborhoods of color to avoid impacts to white neighborhoods. In other cases, industrial land uses were already in existence when people of color moved in as they had limited housing options due to discriminatory lending practices, restrictive zoning, or low wages. The co-location of incompatible land uses and aggregation of industrial development culminated in disproportionate environmental burdens and health outcomes for many low-income, communities of color around our region.

Here you see the East Bay and San Francisco redlining maps from the late 1930s, which determined lending practices. These classifications were often based on racial and economic demographics. The red areas were seen as undesirable and not worthy of investment. These areas were and still are where many low-income, communities of color live. Additionally, these areas were often zoned for industrial uses and heavily polluted. Throughout our region, San Francisco, much of the East Bay, and San Jose were all redlined.

The environmental justice movement, influenced by the American civil rights movement, is a social movement that uses grassroots and community organizing strategies placing equal emphasis on ecological sustainability and social equity. The first battle that shepherded the environmental justice movement onto the national stage was the non-violent protesting over the siting of a hazardous waste landfill without community input in a predominantly, African-American, low-income, rural area in North Carolina in 1982.

In response to the events in Warren County and others around the country, the First National People of Color Leadership Summit was held in 1991. This Summit was arguably the most significant event in the environmental justice movement's history.

Over 650 advocates from over 300 environmental groups of color gathered to redefine, strategize, and plan for the environmental movement as it related to their communities. Participants developed the 17 principles of environmental justice to provide a common framework and platform for ending environmental injustice around the country.

A critical moment for the environmental justice movement was in 1994 when President Bill Clinton signed Executive Order 12898. This Executive Order directed federal agencies to integrate environmental justice into their missions through the identification and addressing of disproportionate adverse human health and environmental impacts on minority and low-income populations.

Following the country's lead, California was one of the first states to officially recognize environmental justice at the state level. In 1999, California enacted SB 115 signifying the state's commitment to addressing environmental justice by designating the Governor's Office of Planning and Research (OPR) as the coordinating agency on environmental justice and mandating the California Environmental Protection Agency (CalEPA) to create an environmental justice mission statement for its departments, boards, and offices.

Since then, several agencies are following in these footsteps. BCDC is not undertaking this effort in a vacuum.

Our sister, state agencies, the California Coastal Commission and the California State Lands Commission have been working on environmental justice policy efforts. Both adopted environmental justice policies recently and are now working on implementation of these policies.

Similarly to BCDC, both of these agencies are looking at the intersections of environmental justice and Bay and coastal access, sea-level rise and climate change, as well as improving accessibility to their public processes.

The San Francisco Bay Restoration Authority has been working with environmental justice advocates to define and refine the grant prioritization criteria of economically disadvantaged communities.

The Bay Area Air Quality Management District is working on issues related to environmental justice through its Community Air Protection Program in the West Oakland and Richmond communities, pursuant to Assembly Bill 617.

In addition to signifying the state's commitment to environmental justice, Senate Bill 115 also provided a definition of environmental justice for the state. It is defined as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." This definition has been adopted by many state agencies and was originally adapted from the U.S. EPA's definition of environmental justice.

According to the U.S. EPA's definition, fair treatment is defined as, "no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies."

In addition to these definitions, the proposed amendment also includes a number of other definitions in order to provide clarity to the recommended policies.

Prior to this amendment, BCDC was not a total stranger to environmental justice and social equity. In fact, there are a few findings and policies currently in the Bay Plan that relate to these topics.

These include addressing environmental justice in regional sea level rise adaptation, creating diverse recreational opportunities, recognizing the disproportionate impacts of transportation projects, as well as the protection of the Bay's water quality.

However, these findings and policies do not necessarily allow the Commission to consider environmental justice and social equity in permit decisions.

In its non-regulatory work, BCDC's Adapting to Rising Tides (ART) Program has also undertaken work related to environmental justice and social equity through the creation of its regional community indicators for flood risk mapping efforts and through its community outreach efforts with the Bay Area Region Health Inequities Initiative (BARHII) for the ART Bay Area Project.

Although the Bay Plan recognizes that environmental injustices exist, it is important to acknowledge the role that BCDC has played.

The Commission, as one of the agencies involved in the entitlement process, has played a role in approving development and any consequential injustices. Many industrial land uses around the Bay were established prior to the Commission's existence and therefore were not subjected to BCDC's laws and policies.

Although the Commission neither initiates or sites projects nor has any authority over municipal zoning, through its permitting authority, the Commission has approved additional development projects to existing ports, oil and gas operations, sewage and wastewater, treatment plants and heavy industry in or near low-income communities of color around the Bay Area.

Moreover, the Commission's Priority Use Areas which were intended to minimize the necessity for future Bay fill have facilitated the aggregation of pollution sources within areas designated for Ports or Water-Related Industries.

In this Bay Plan Map, the blue areas represent port and water-related industry priority use areas which are adjacent to the disadvantaged and vulnerable communities of North Richmond, Richmond, and West Oakland.

It is also critical to recognize the lack of institutional resources that BCDC has dedicated to Native American issues. Currently, BCDC does not have any established relationships with tribes. As a result, issues related to Native Americans are not highlighted to their fullest extent in the proposed policies. BCDC acknowledges its need to build this institutional capacity and relationships.

Although the Commission has worked to improve its public outreach and engagement through the establishment of policy-area working groups, holding more public workshops, attending public events and meetings throughout the region, and through the ART program's projects, there is a long way to go.

Public meetings and materials are often still inaccessible to people who are low-income, not versed in land-use regulation, people with disabilities, people who have limited-English

language skills, those without access to transportation or technology, people of color, and others.

When BCDC was created in 1965, it was a different time. Excess fill was threatening the Bay and so our policies were initially written to safeguard against this fill. At the time, we were not thinking about issues of justice and equity.

However, climate change and sea level rise are game changers and have opened our eyes to the role BCDC can play in addressing these issues. BCDC is now in the process of pivoting to address these threats.

As BCDC evaluated its policies around rising sea levels, not only were the threats to infrastructure and habitat realized, so were the threats that future flooding presented to our region's most vulnerable communities.

Concerns around environmental justice and adapting in an equitable and just manner rose to the forefront in Policies for a Rising Bay and the commissioner workshops on rising sea levels over the past few years.

In addition to social vulnerability, contamination vulnerability also rose as a key concern with future flooding. These maps that were created by BCDC's Adapting to Rising Tides Program show that certain characteristics contribute to one's vulnerability to flooding and laid the foundation for undertaking this Bay Plan Amendment.

The project goal for this amendment is to: "Amend the San Francisco Bay Plan to incorporate principles of environmental justice and social equity into the planning, design, and permitting of shoreline projects in and along the San Francisco Bay."

You've seen this slide many times but we're finally nearing the end of this timeline.

Recognition of the issue and the need to act led BCDC to initiate this Bay Plan Amendment back in July of 2017. Much of what I just described in the prior slides was found throughout our background research phase and public workshops.

With our January 2019 workshop, we moved into the drafting policy changes phase. These draft policies were published on May 31st. And that brings us here to our initial Public Hearing today.

I want to recognize the environmental justice Commissioner Working Group who has guided us in this process. We've met monthly with them since April 2018. The Working Group consists of Commissioners Alvarado, Ahn, Pemberton, Vasquez, and Showalter.

I would also like to recognize the Environmental Justice Review Team who has also been guiding us in this process. This group is funded by the Resources Legacy Fund to participate in our Bay Plan Amendment process and consists of representatives from several Bay Area environmental justice and community-based organizations, including Greenaction for Health and Environmental Justice, Breakthrough Communities, Shore Up Marin, Nuestra Casa, and EcoEquity.

For this amendment, we are proposing to add a new section to the Bay Plan on environmental justice and social equity, as well as proposing changes to three current sections - public access, shoreline protection, and mitigation.

Before we walk through the proposed policies, I want to discuss the guiding principles. Guiding principles are a helpful tool to guide and commit an organization to a set of overarching precepts over time, regardless of change in strategies, priorities, or leadership. It is not surprising therefore, that there are many guiding principles in the environmental justice movement.

The Principles of Environmental Justice drafted by the delegates to the First People of Color Environmental Leadership Summit in 1991 are heralded as the founding principles of the environmental justice movement.

BCDC staff has developed guiding principles in the process of this Bay Plan amendment and they are included in the proposed findings and policies of the newly proposed, environmental justice and social equity section of the Bay Plan.

These principles were informed throughout the engagement and research for this amendment, as well as informed by other foundational principles of the environmental justice movement.

Staff has drafted seven of these principles that address various topics that address several issues cutting across BCDC's work that relate to environmental justice and social equity that you see here on this slide.

These guiding principles are intended to guide the Commission's actions through a commitment to integrating environmental justice and social equity into its mission.

In the newly proposed section on environmental justice and social equity, we are first proposing findings on environmental justice history and one on BCDC's role in perpetuating those injustices and inequities that I described earlier.

Next, as this is a topic that BCDC has not addressed before, we've done something a little unique from other Bay Plan sections. We propose including definitions in the findings that will provide clarity to our proposed policies.

As I mentioned, we are proposing a set of guiding principles to be included in the findings of these new sections and also a policy committing us to using these principles to shape our work going forward.

We are also proposing a policy on requiring community outreach and engagement to ensure meaningful community involvement. Specifically, this requirement would be for projects that require a major, BCDC permit (roughly 5-10/year) and for certain projects that require a minor permit which would be left to staff discretion and this is roughly 30 of our permits per year. Region-wide and abbreviated region-wide permits, our smallest types of permits, would not have such a requirement.

We are also proposing a policy to strengthen BCDC's leadership on coordinating and collaborating with local governments and other regulatory agencies to address issues of environmental justice more holistically.

As local governments retain most of the land-use authority in California, this proposed policy also relies on local governments to build in principles of environmental justice and equity into their planning processes such as general plans and zoning.

Lastly, we propose a policy that will require disproportionate project impacts be identified and addressed for certain projects. Projects will be subject to this requirement if they are located within an identified vulnerable or disadvantaged community as identified through BCDC's vulnerable communities mapping efforts or CalEPA's CalEnviroScreen mapping tool.

We recommend that the Commission and local governments then address these impacts through their respective authorities.

Now this may sound a lot like California Environmental Quality Act (CEQA) is California's main environmental law that requires project proponents to identify and mitigate significant impacts to the environment. Unlike its federal counterpart, the National Environmental Policy Act or NEPA, CEQA does not explicitly require addressing impacts related to environmental justice and equity.

BCDC staff will provide comments at the various touchstones of a project's CEQA process such as the Notice of Preparation and the Draft Environmental Impact Report but will need environmental justice and equity policies in order to justify asking proponents to address issues relating to environmental justice or social equity.

For public access, we propose amending BCDC's policy on in-lieu public access to prioritize public access in communities that lack convenient and safe access in cases where public access cannot be provided in or near the project site due to safety concerns.

We also propose a policy that requires meaningful community involvement in the design of public access projects that are substantially changing the use or character of the site. This is to ensure public access is inclusive and welcoming to all.

We propose that public access signage should be in the appropriate language spoken in the area or use culturally-appropriate icons.

We also propose a policy that commits BCDC's Design Review Board to encourage inclusive public-access designs.

For the shoreline protection policies, we propose adding a requirement for shoreline protection project authorization.

Currently, Shoreline Protection Policy 1 requires several criteria be met in order for the Commission to authorize a shoreline protection structure. We propose that applicants need to identify and mitigate adverse adjacent or nearby impacts of their shoreline protection structures, such as increased erosion or flooding.

We are also proposing a community involvement requirement for shoreline protection projects. This would be for shoreline, protection projects other than maintenance, in-kind repairs, or small projects, such as protection for one or two family homes or pilot projects.

We also propose a policy addition that reaffirms BCDC's commitment to safe water access with the creation of shoreline protection when feasible.

Lastly, we propose a policy that would require that contamination remediation projects use the best available science on sea level rise, storm surge, and associated groundwater impacts to prevent the mobilization of contaminants into surrounding communities.

For mitigation we propose adding a policy that would require meaningful community involvement in mitigation projects associated with major BCDC permits or with some minor BCDC permits left to staff discretion.

Currently, our mitigation policies require the Commission to consider the multiple economic and aesthetic benefits when determining the location and design of a mitigation project. We are proposing that the Commission also look at the distribution of these benefits to see who they are benefitting.

Next, I am going to introduce three topics which we received public comments on and that we anticipate you will hear from the public on next.

First, this proposed amendment is consistent with BCDC's enabling legislation, the McAteer-Petris Act.

Consistent with Section 66600, this amendment would encourage and contribute to a more inclusive and democratic process for analyzing, planning for, and regulating the Bay by requiring meaningful community involvement of typically underrepresented communities.

Consistent with Section 66601, this amendment attempts to ensure that the needs of all Bay Area populations, current and future, are considered when analyzing, planning, and regulating projects in the Bay and along its shoreline. Additionally, this amendment would require analyzing projects' impacts on all residents to ensure that adverse project impacts are not disproportionately affecting certain populations.

Consistent with Section 66605, environmental justice and social equity are public benefits and environmental injustice and social inequity are public detriments. Identifying, analyzing, and accounting for these aspects is necessary to evaluating and considering the range of public benefits and detriments from fill.

Consistent with Section 66602, this amendment proposes new policies to the Public Access Section of the Bay Plan in an effort to promote the creation of public access that is more equitable and inclusive, encouraging a wider diversity of users to become stewards of the San Francisco Bay. By requiring meaningful community involvement, these policies also hope to eliminate the potential for certain communities to feel excluded from the Bay.

We recognize that this amendment is new territory for BCDC and that is a very exciting, but slightly nerve-racking. We fully understand that all stakeholders will need to be trained on what this amendment means. We plan to produce guidance documents, taped webinars, and conduct trainings around the region with the help and input of all stakeholders.

Even though they were new territory at the time, staff, Commissioners, applicants, and the public have become comfortable and familiar with BCDC's Climate Change policies. We assume it will be similar for these policies.

As I mentioned before, staff will comment on CEQA process touchstones in order to ensure consistency with the new environmental justice policies from early on in project's timeline.

As is included in BCDC's Strategic Plan, BCDC will strive to actively engage environmental justice communities in BCDC's permitting and planning processes including designing this implementation process.

I also want to address how these amendments will impact project timelines and costs.

The proposed policies encourage and expect communities to be meaningfully involved from the earliest project stages prior to the Commission's review. As you know, the Commission's review is often toward the end of the entitlement process and projects are nearly done with the process by the time the Commission reviews them. This is due to the fact that most other processes and permits needed, such as environmental review and local discretionary approval, are required to consider a BCDC permit application filed.

If projects meaningfully involved communities prior to BCDC's review, they will not need to conduct additional outreach and engagement for BCDC's permit process as this could create burdens on all involved. Some projects are already implementing this outreach and engagement as part of their normal course of business and it is a trend that is increasing.

With impending climate change, the time to act on environmental justice and social equity is now. If meaningful community involvement is ensured, projects are more likely to be inclusive and positively address issues of health, racial, and economic disparity that will only widen and increase with climate change.

We received several public comment letters from the entities you see on this slide. The ones grouped together indicate they submitted a single letter together. We sent these to you all on Monday and one of the letters came in late, so you have a printed copy of that in your packets. And the letter that came in late was from the Committee for the Green Foothills.

Thank you for your time. And with that, I will turn it back over to Chair Wasserman.

Chair Wasserman continued the meeting: If I understand the procedure correctly, we will now hear from the public speakers but first we need to open the public hearing. The public hearing is opened.

Now we will start with the public speakers. Speakers will be limited to three minutes except for one at the end where there has been a ceding of time. Mr. Carl Anthony is our first public speaker.

Mr. Anthony addressed the Commission: Good afternoon members of the BCDC Commission, staff members, and members of the public. I am required to acknowledge the real support of BCDC and its staff and particularly the participation of Clesi Bennett in working with many of our community organizations to familiarize ourselves with the operations of BCDC.

We want to celebrate the work that has been done so far by BCDC staff and the community-based organizations to get us to this point.

I want to also acknowledge the importance of the completion of this stage by introducing the legislation that is proposed as a way of formalizing the participation of communities of color and their advocates and partners in the BCDC process.

The issue of sea level rise has created awareness on people throughout the whole globe of the importance of global climate change.

We understand from these comments that it is anticipated that around the globe, sea level rise by the end of the century, will be at least two feet but many more feet in many other locations. And so, the urgency is upon us to be able to make those changes. And BCDC has been preparing our neighborhoods and communities for addressing these changes.

We are pleased with the progress which has been made, but we have to acknowledge the fact that the progress facing new challenges as we emerge.

In particular, the importance of climate justice requires us to recognize that communities that are affected by climate change have the least opportunities to participate in creating the challenges of climate change and yet are responsible for responding to most of the burdens that have been placed upon neighborhoods and communities and therefore the issues of justice arises in two dimensions; we have to participate in creating the foundation for advanced participation of many of these communities of color in the process, as well as mitigating the impacts.

So I want to say that, we urge the Commission to work with our neighborhoods and communities much more aggressively in the period ahead after the decisions have been made about the environmental justice portion, but also acknowledging the importance of BCDC collaborating with emerging processes in the state and federal government for a Green New Deal to be implemented throughout the nation.

A Green New Deal for engaging the communities that have been suffering the most to be able to participate in the organization of this process as we go forward in the decades ahead. Thank you very much.

Chair Wasserman continued: Thank you Mr. Anthony. I was a little gentler in time with Mr. Anthony in respect for the fact that he has been toiling in these fields for a lot longer than most of us. I may not be as gentle with others.

Ms. Paloma Pavel commented: We are living in an unprecedented, historical moment. And this is an historical meeting that is occurring. And we would like to acknowledge some of those from our community who are here especially the inter-generational representation that we have here.

We are dedicating our remarks to you today because you are carrying the burden of this going forward. We also want to acknowledge the Ohlone People whose land this meeting takes place on.

BCDC is leading the pack. You are setting an unprecedented role not only for the region but also for the state; not only for the state but also the nation.

We are thrilled to be part of this collaboration which has been deep and longstanding over several years. And we are living in a moment that things like the Green New Deal are coming forward and this is an important moment to join with and link with other agencies locally; so building more collaboration not only with community groups but also with other agencies. The people are looking to you from the community side but also from the agency side – locally, statewide, and nationally.

So, we want to thank you for your leadership today and I want to encourage you to listen deeply to what is being said today because it really is – we are the canaries in the mine, the vulnerable communities.

And what goes unheeded here is at the peril of all of our communities. Thank you.

Mr. Julio Garcia from Nuestra Casa gave public comment: I am part of Nuestra Casa in East Palo Alto. I want to thank you for being here and looking at the public comments.

First of all, a lot of environmental justice groups that we see right here – we are ready to meet you in the middle. We are educating our communities about environmental health, language access; changing the conversation about what is going on in our communities in exchange for what is going on at a scientific level. So we are there. We live there in our communities every day. We see what is going on in our communities especially the communities in the South Bay like East Palo Alto.

We are supporting BCDC and definitely want to support the enforcement of these regulations that are going to be moving.

I think relationships with local jurisdictions are very important. That will be the key of the success of BCDC and all of this that we are doing.

Don't forget that local governments need to involve community members – counties, cities, and others that need to provide the outreach to community members because if I don't live there, I cannot say what is going to happen in my city. And the only ones who can represent our cities are people who live there and those are the community members that we are not reaching.

In conclusion, I want to say that we need to plan together on climate change. We need to look for ways to engage the community in a more meaningful way. A meaningful way for me is to go where the communities are. A meaningful way for me is to talk in a language that the community will understand, what is not only environmental justice but social justice.

I want to thank you and I want to encourage you to work with local jurisdictions, but local jurisdictions need to work with communities. Thank you.

Ms. Iliana Garcia from Nuestra Casa was recognized: I work for Nuestra Casa in East Palo Alto. I have been doing community work for a long period of time but at Nuestra Casa it has been about four years. The one thing that I have learned is that no matter what kind of work you do trust is a big piece.

And the trust that community members and the people that live in our communities, if they trust you as a community organization, they will take part in civic engagement. They will take part in listening to you and taking part in all of these plans.

So, with that being said we are all here and we are talking as individuals, but we have communities that we represent. And we are here to let you know that trust is a big factor and if you earn the trust as BCDC Commissioners and you go through these procedures and approve these policies in a manner of respect and considering that trust, you will get community members to trust you in future planning.

Communities will trust you when they learn that BCDC didn't give into industry pressure in order to forcefully protect the health and safety of the Bay and the Bay Area communities. Thank you very much.

Ms. Roxana Franco commented: I also work with Nuestra Casa of East Palo Alto and I want to thank you for listening to us and a huge shoutout to the BCDC team for supporting us and really taking the time to listen to our community needs and wants versus them coming in and telling our community what they need.

One thing that we should keep in mind is that community-based organizations already have the staff and capacity to come in and conduct engagement. And if you are only focused on building your staff capacity, it is already creating a barrier between government agencies and community.

Nuestra Casa has been around for 17 years, so building trust within a community is hard. It takes years to build that community, but we know that most of the time if we come in and bring you something, it is because we know it is going to help our community. We know what the needs are. We live in the community. We look just like the community. We know what those are.

It is a big point to make – let's work on enhancing the trust within the community and not just pushing them aside but also to keep in mind that we already have the experience to come in and help out agencies.

We can be the middle men and we can negotiate with you and also explain to the community. Let's just work together versus separate. Keep us in the loop as CBOs and make sure that we are working together.

Ms. Terrie Green, Shore Up Marin City addressed the Commission: I am from Shore Up Marin City along with all of our young environmentalists and it feels to us in Marin City that the Bay is right there in our laps because it is. Marin City is at the base and at the entrance of Marin. Many times, the 101 Freeway floods and we can't get in or out.

There are times when we can't get in and out of Marin City because of the flooding.

We are urging you to retain every last amendment that was included in the May 31st report that you received.

Please don't make a change in those amendments. We ask that you really take a look at the fact that climate change is upon us. People are worried about what is going on.

The decisions that you make today are going to affect so many people in the future.

Why are we here? Why are you here? Why are we all here? You especially are here to put protections in place for those coming after us, especially our young people. You are here to make the planet better, to make it safer, and to make it healthier for everyone.

As leaders you are here because you a beacon of hope for those of us who are looking for someone to stand up and be bold as you talked about earlier – to be courageous, to make those hard decisions that are going to protect us, protect these young people.

Your leadership will incite these young people to become leaders and to carry on what you all are doing today. I would like to say thank you so much for sitting in these seats. It is hard to sit in seats like this. It is hard to make the decisions for those who need your help the most. Thank you so much.

Mr. Paul Campos addressed the Commission: I represent the Building Industry Association. We participated and signed on to a letter that you have in your materials indicating support for the overall direction that the Commission is taking with these proposed amendments but requesting some changes to the proposal in the area of clarifying in particular areas of what is BCDC's authority versus local government especially in the CEQA process.

So, the language we are suggesting to be changed would clarify what policies BCDC expects to be mandatory versus what it is going to be suggesting or recommending to local governments. We would like to have that clarified.

And then second on the issue of the CEQA process in identifying impacts – clarify where BCDC is going to be submitting comments as a responsible agency as opposed to acting in a lead agency capacity and seeking to mitigate impacts beyond public access which we think there needs to be that nexus and tie as far as conditions that BCDC is going to try to impose itself on permits. We think those need to be tied to public access under the McAteer-Petris Act. Thank you for considering our comments.

Ms. Sumi Selvaraj of the California Coastal Commission was recognized: I am here today on behalf of the California Coastal Commission staff. In my role at the Coastal Commission, I work on implementing the Coastal Commission's recently adopted environmental policy and co-lead our government alliance and race and equity staff team in our racial equity work.

While the Coastal Commission and BCDC have different jurisdictions and responsibilities, our agencies comprise the federally-approved California Coastal Management Program along with the California State Coastal Conservancy.

Both of our agencies share similar goals of managing coastal development in California's coastal zone and protecting the state's coastal resources for current and future generations.

For decades, our Commissions have approved permits and plans that have led to various successes in protecting coastal resources, increasing public access, restoring habitat, and minimizing environmental impacts of coastal development.

However, the benefits of coastal resource management and the burdens of coastal development have not been equitably distributed.

Either agencies move forward in managing coastal resources in the present and in the future, facing various challenges including planning for sea level rise and there is increased urgency for equitable coastal management.

Both agencies embarked on different processes to integrate environmental justice and social equity into our programs, which also reflects the unique administrative and regulatory processes of our different mandates.

BCDC is amending the San Francisco Bay Plan, while earlier this year, the Coastal Commission adopted its first environmental justice policy.

Coastal Commission staff has partnered with BCDC staff and State Lands Commission to convene the Oakland Environmental Justice Round Table last year. Additionally, our staff continued to meet regularly to learn from one another about unique environmental justice concerns and regulatory challenges that intersect with managing coastal resources.

BCDC's proposed Bay Plan Amendment includes findings and policies that outline the steps towards meaningful community engagement, equitable public access, building partnerships with local governments to implement and achieve environmental justice outcomes, and identifying opportunities for equitable mitigation.

On behalf of the Coastal Commission staff, I support BCDC staff on its work to develop findings and policies that will inform and lead the way for equitable coastal management. Thank you.

Mr. Roman Berenshyteyn of the Bay Planning Coalition presented the following: I am here on behalf of the Bay Planning Coalition. We very much appreciate BCDC's work to integrate environmental justice and social equity principles into the Bay Plan. However, we do have some concerns that some of the language as currently proposed may lead to costly or lengthy delays in a time where we want to be working expeditiously to address sea level rise, which will cost the region 50 to 100 billion dollars just to replace shoreline infrastructure around the Bay.

In particular, we are concerned because, on one hand it is unclear what would satisfy the criteria for community outreach and moreover, some of the proposed requirements for assessing project impacts may be redundant because such an assessment already falls within the purview of a CEQA analysis.

So, to address this, we made a number of language suggestions in our public comment letter with some partner organizations that we believe will remedy our concerns but without compromising the value of this amendment.

Again, we just want to make sure that projects are able to move forward quickly to protect against sea level rise. And we look forward to continuing a productive dialogue with BCDC on this issue as it moves forward. Thank you.

Ms. Nahal G. Ipakchi was recognized: Thanks for having us this afternoon. I am happy to speak about the work we have been doing with the Commission staff on the Environmental Justice Review Team.

I want to drive the point home that we can't continue with business as usual regarding timelines and budgets. I want to emphasize that gradual, incremental development that includes community buy-in and participation in the planning process will ensure successful and sustainable projects. And that community pride and common resource protection will increase as you hire your workforce directly from the surrounding neighborhoods. And the culture will shift to one of respecting and protecting the commons, rather than seeing it as another project just dropped in by government to be destroyed or to be neglected in the future.

I also want to emphasize that while the economic impacts might not be clear as far as environmental justice and community engagement goes, this small near-term investment in environmental justice and community outreach and engagement will lead to immeasurable long-term economic, health, and social welfare benefits downstream.

I encourage BCDC staff to research studies about the cost effectiveness of community engagement to make an economic argument for why it is important. Thank you.

Sheridan Noelani Enomoto, Greenaction for Health and Environmental Justice addressed the Commission: Chloe is donating her time to me.

Chair Wasserman acknowledged: Thank you. So you have six minutes.

Ms. Enomoto continued: Aloha Nui Kakou, my name is Sheridan Noelani Enomoto. I am with Greenaction for Health and Environmental Justice. I am grateful to be here with this organization, with the group of those representatives that spoke earlier, and all of the communities that we bring with us.

Often there is a question of who are we? I want to bring into the room Hawaii right now. There is this small island in the middle of the Pacific and there are people standing to protect their land, but not only just their land or a mountain, but the tallest mountain in the world from the summit to the bottom of the sea floor that has also proven to help with climate change.

But what is an island in the middle of the Pacific? Who is an island in the middle of the Pacific? Who is the Bay in the big country that we live in? And who is BCDC amidst all of the different government agencies especially in the permitting process and policy world?

People in government agencies, other than yourselves come up to me often in my work and they say, Sheridan, what can we do? What kinds of things can we look for? Where is our guide in this?

And for me it is easy – BCDC. So, you are going to be hearing a lot from others besides the Coastal Commission, besides the Lands Commission. You are a star right now. You are a beacon in this conversation.

And I had the honor of being in this room in July 2017 when social equity and environmental justice was voted on. I remember saying, water is a language, and this is what water has taught me. Water is a “we”, it is not an “I”.

The water is rising, we know this. So that means we have to rise also – together. Clesi was right in her presentation when she said, the time is now. The time is now. The question is who are you going to be in this story when the waters come or are coming? Who do we want to be?

Never underestimate the power of tiny, small things or people coming together because I can tell you, as I speak right now, it is the only thing that will change the world and it continues to be so.

There are choices and there are consequences. Such a simple, simple thing to say. But we can't afford to negate any piece of all the hours of hard work that we have put into this process.

We are making history right now. But again, who do you want to be in that story? I know where I stand, and I know who comes with me in the “we”. And I am grateful that I can be here again, two years later to see how far we have come. And I know we can only do better and rise to the occasion. Thank you.

Chair Wasserman announced: That concludes our speakers. May I have a motion to close the hearing?

MOTION: Commissioner Vasquez moved to close the public hearing, seconded by Commissioner Gorin, the motion carried by a voice vote with no abstentions or objections.

Chair Wasserman continued: The public hearing is closed. Commissioner Alvarado will make some additional comments. She is one of the very active members of the Environmental Justice and Social Equity Working Group.

Commissioner Alvarado spoke: Thank you Chair. That's right. I just want to reiterate a lot of what I heard. The importance and the inspiring moment that we are in is not lost on me. It is a very important day for me, BCDC, and the region.

I really want to acknowledge and appreciate the young people and the pioneers like Carl Anthony, who so many times I have credited for my becoming an environmental studies major.

Thank you so much for making the time. Thank you so much for trekking here to our space. Thank you for being present. Gracias por estar aqui hoy. I want to acknowledge and thank my fellow Commissioners Ahn, Pemberton, Vasquez, and Alternate Commissioner Showalter who spent a considerable amount of time over the past year actively participating, sharing insights, and really demonstrating a deep commitment to this work.

But nobody has demonstrated that more than our staff Shannon and Clesi. You have been remarkable. (Applause) I want to thank our state agency partners who have been really generous in sharing and going along this path of learning with us and exploration. And the Review Team, thank you for walking this path with us as well.

I think the recommendations that have been presented for this section really touch all aspects of BCDC's jurisdiction. They represent meaningful and implementable change that will demonstrate BCDC's commitment to environmental justice.

We will be in a period, once this process is over, of transition and training and continuing the learning together. There will be a process of informing local jurisdictions about how to implement any changes. Effective compliance really works with their active involvement and participation and support and helping them understand that there are resources, like all of you in the community who will work with them proactively, with project applicants because really that is where this resides.

It is important to recognize that we don't want to add undue delay or a cost burden to projects. It is very difficult to build in the Bay Area despite what it may seem. It really is quite a difficult environment to build.

Working together in a spirit of cooperation, recognizing each other and recognizing that community involvement leads to sustainable projects. If you don't have community support, they will not ultimately survive. They will not be approved. They will not be embraced. There is a way for us to move forward along this path together. I thank you all for being here and being a part of this.

Chair Wasserman noted: I want to make one correction to the record assuming there is no objection. We will actually continue to accept written comments until August 2nd. Seeing no objection that is added to the motion, thank you.

Commissioner McGrath commented: I want to echo Commissioner Alvarado's applause. The staff, the community, and the Working Group have done a marvelous job. I want to assure Paul Campos and Roman that we will stay in our lane. That this will be implemented by the local governments for the most part.

I want to put in a personal thank you to Carl Anthony who has been partially responsible for my growth and understanding of this issue over the many years that he has helped me to understand.

About six years ago, the first meeting on this issue in the Federal Building took place and I heard you as a regional board representative of the concern for landfills and for contamination.

The next week I went to our executive officer and since that time we have required all remediation efforts and all periodic reviews to make sure that they account for it.

And that was something that came out of the community. And that is why we engaged the community, because we learned from the community.

This first effort on a Bay Plan amendment, I convened a little working group of people outside BCDC to tell me what to do. And among them was Mitch Avalon. And this is the why it matters. Mitch talked about the streams in western Contra Costa County and the issues there are replicated in other areas.

If we begin to armor the shoreline which is fill and brings us into our jurisdiction without accounting for those impacts on runoff, we will make flooding in communities worse. And those are environmental justice communities, particularly in those two cases.

And we have taken our sweet time, but we have begun to address that in a manner that tries to make that balance. So that is why it matters.

And then my final comment for outreach; we need to trust the process. But in order to be able to trust the process, we need to make sure that all the stakeholders are involved. So that is why we do it. The language that has been chosen and the addition of the communities affected by flooding is vital and I thank everybody for their work.

Commissioner Gorin was recognized: Thank you. I always defer to Commissioner McGrath because I learn from you every time you open your mouth and I echo your comments and your thanks to staff and the Working Group.

But I really want to thank the community for being here today. Your language was beautiful and inspiring. It left me with a passion for imperative, especially you folks who are here – our future generations, our future leaders, our current leaders; we are doing this work for you and our children and our grandchildren for the future.

I was reading through the Public Comment Letter and I do have a question which is sort of a take-off on Commissioner McGrath. How do we make it easier for project applicants and other folks who submit proposals to know what outreach efforts have been made and what stakeholder groups have been involved in the process?

That is a question for staff. There were a couple of comments in here saying; okay you want us to do what? And how do we do this? What groups need to be involved in the process? Make it easy for us to understand how to move forward and involve the community.

Ms. Bennett replied: I think part of that will be staff just being on top of what groups are active around the Bay Area. We need to work with our local governments who know their communities best, knowing which groups are active, are wanting to participate, are coalescing around certain projects – so I think being connected with our local governments will be key in this. Having our planning team talk to their planning team.

Commissioner Gorin continued: As a local, elected official, I sort of know the groups that I need to connect with, but a project applicant coming into my district may not know those groups. So, are we thinking that we could post on our website, maybe regionally or sub-regionally, if you have a project here, you might consider outreaching to these groups and sort of letting us know and letting other folks know that you are continuing to do that?

Can we put that on our website, especially in connection with the Bay Plan Amendment? I am wondering if we could make it easy for our community groups and our applicants to understand how we do that sub-regionally.

Ms. Bennett answered: Yes, I think we could definitely do that if the community groups gave us the permission to put their contact information on there. I think it is something that we would also be connecting with the applicants on early in the pre-application stage. It may be something that we want to add in our CEQA comment letters on various CEQA processes.

Ms. Ipakchi commented: You could also leverage the work that the San Francisco Bay Restoration Authority is doing. One of the recommendations for their funding program guidelines is to be a matchmaker of sorts and in that way to connect the community leaders and organizations with the project proponents.

Commissioner Gorin added: The more cross-sections we can be doing with the Restoration Authority the better off we will be.

Mr. Goldbeck chimed in: We have a person who will be coming on as an environmental justice coordinator who might be able to help out on that to try to help bring people together. We can't know everybody and every place around the Bay, but we can help work towards trying to work with local governments to build a community of practice around this engagement.

Mr. Anthony stated: I want to say that I am Carl Anthony from Breakthrough Communities. And this effort on our part, which has now been going on for three or four or maybe even five years, has been conducted on a shoestring. We have not been able to generate the kind of resources that make it possible for us to continue and this needs to be addressed.

And we need to work in the endorsement of BCDC as we want to reach out to other funders and get the hundreds of people who are really concerned about the issues that have been put on the table to be able to bring them – we need to be funded to make that happen.

We are going to be here to do that because we are really interested in our survival and the survival of the Bay Area. But we need your help in helping the groups that are very vulnerable to get the resources to put together a professional arrangement so that we can be at the table as well as many of the other groups that are coming with the need for resources and money. So, thank you very much for that support.

Commissioner Pemberton was recognized: I wanted to thank Clesi and Shannon for their tremendous work this past year and a half and compliment you on the presentation. It was incredibly comprehensive. I really appreciated the full background, the redlining and the history of the start of the environmental-justice movement.

I think the environmental justice principles, I think the public access, the definitions, the signage and much, much, more are incredibly beneficial, and I am really glad to see them in the Bay Plan Amendment.

I also think that the Amendment truly reflects the connections with the community that we've tried to make progress on over this last year and a half. I want to thank everybody who came here today. I know we all have really busy lives and a lot of other things that we can do with our days and responsibilities.

I want to make sure everyone realizes that we are incredibly grateful, and we hear you and it is impactful. We appreciate it.

I know this is not the easiest work to do. It will be hard to implement, but there are a lot of opportunities for training and to build on what others have done so we can educate our staff and ourselves and we can do this.

I am enthusiastic and really looking forward to implementing the Bay Plan Amendments. I also want to say that the relationships with the community that Clesi and Shannon have really dived into and done a tremendous job on; I feel really good and confident that those will continue to blossom and be a way that we can connect with the community when we are doing our work.

I am incredibly grateful, and I am looking forward to approving the Bay Plan Amendment. Thank you.

Commissioner Scharff commented: I also would like to thank all of you for the hard work you put into this. I thought staff did an extraordinary job explaining it. Most of the language here is really good.

I do think it is a historic day and ditto to your comments. I am very pleased that we are moving forward on this.

I did want to get a little bit nitpicky about Finding C on page 19 where we talked about public access. As head of the Enforcement Committee, it often comes to us on several occasions where there is a balance between ticketed events and non-ticketed events.

BCDC's current policy seems to be that we encourage ticketed events, but we also balance that against non-ticketed events and make sure that there is access.

It is really a balancing thing what I understand BCDC does here. So, when I look at Finding C, we added some language that says on page 19, "By its nature public access is free and available to all users." It seems to me that by adding the word "free", there we are confusing the issue and making it unclear as if we are changing existing BCDC policy without any thorough discussion.

There are a number of these issues out there. I think we should take out the word "free" for now. And if people want to have a more serious discussion about what that means, we should do that. But I don't think we should just put it in here and create that confusion.

The only other thing I have is that we added in restrooms and drinking fountains. We should add in words like we have below which say, “but not limited to”, because there are other things especially since we pushed for community outreach, there may be things in the community that say – we want this. It could be a plaque, a sign that explains something. By limiting it, I don’t think that is the intent, but we should make it clear that there could be other things now that we are getting into the weeds and saying, restrooms and drinking fountains and street furniture and paving because there could be other things.

I would encourage staff to come back with those changes because I think we vote in August on this. And thank you so much for showing up. It was quite inspiring to hear everyone.

Commissioner Vasquez commented: I too want to thank everyone, and I want to thank BCDC for taking this whole issue up. It was an issue that came up that we could create this wonderful document, but if it doesn’t go any farther than us it doesn’t do anything.

We all sit on a lot of other committees and commissions and city councils and boards of supervisors; I think it is imperative that we take back this good work to those others and say here is what we need to be doing and start to implement it. We need to begin to have that conversation so that this subject becomes a matter of fact every time you get an applicant in and you look at it.

Solano County Transportation Authority is working on an environmental justice document. I’ve asked the Yolo/Solano Air Board to look at it. I’ve asked our own planners to begin talking about it as an element in the County General Plan, yet it is not required.

And waiting for it to be required is really way too late. These kinds of thoughts about how we treat each other and how we treat the environment and how we go about doing things is important. And this language just simply calls that out.

These are the right things to be doing. And we should be doing them. We should take everything into consideration. And as the young people have said, making the world just a little bit better and we do it all one at a time in our own locations and our own jurisdictions.

I intend to take this back to everything that I sit on and talk about these issues. That is one way to get it out.

Commissioner Gilmore addressed the attendees: I do want to echo the comments that my colleagues made today. This has been a truly tremendous and historic effort. I thank everybody who was down in the weeds so to speak and put in so much time over the last couple of years to make this happen.

To follow up on Commissioner Vasquez’s comment and something that was said by one of the speakers today; I feel very strongly that if we wait until a project applicant comes before BCDC to talk about environmental justice issues, it is too late.

Most of these projects start at the local jurisdiction. By the time they get here, the applicant is already way invested in whatever project that they are going to build, and it is really too late.

We have to take it especially to the local jurisdictions where those applications are going to come in and make it very clear – hey look if you need a BCDC permit here is what you need to do so before you get too hardened on what your project is going to be; here are the community groups that you need to talk with and talk to them and then come to us and get more involved in the project and what it is ultimately going to look like.

If we wait until it gets here before we start talking about environmental justice – that is just way too late.

Commissioner Arreguin was recognized: First, I want to thank the many members of the public who came and the environmental justice organizations that have worked with BCDC staff for the past several years to develop what really is a groundbreaking, policy framework that could really serve as a model for state and local agencies and particularly the policy around encouraging local governments to update their general plans and their zoning ordinances and the coordination with local governments and other regulatory agencies is extremely important.

As the Mayor of Berkeley, I am going to go back to my staff and talk about how we can better integrate environmental justice principles into our Climate Action Plan, our General Plan because, as was so eloquently presented, we are actually trying to right historic wrongs that have existed in our region due to restrictive zoning, restricted land-use policies, and actual discriminatory real estate practices that have segregated people of color near industrial areas along the waterfront and areas where manufacturing and heavy industry was principally located further exacerbating environmental injustice.

Integrating environmental and social justice as a principle into the work of this agency is so essential to right those historic wrongs and make sure that as we are planning for sea level rise, as we are planning for climate adaptation, that it is truly done in an inclusive and equitable way.

I am not a permanent member of the Commission, but I am sure that Mayor Butt, who I am sitting here for, would absolutely agree, particularly his city of Richmond in West Contra Costa County is an area where there has been a particular focus on the part of the Air District through the AB 617 process to look at how we can mitigate the impacts of emissions and particularly low-income and sensitive communities.

This is really an exciting and historic step that can really serve as a model for local governments or state governments and regional agencies around how we can not only involve the community as we are making these decisions on a project-by-project level and yes, we don't want to slow down projects that are going to further ensure that we can adapt to the effects of climate change and sea level rise, but it needs to be done in an inclusive way.

There clearly needs to be guidelines. I like the idea of having environmental justice staff that will work with applicants and work with the community in implementing these principles.

I am really proud and honored to be here on this day to be part of this conversation. This truly has been a grassroots, inclusive process and I want to thank our staff for all your work in engaging the community developing these policies. Thank you.

Vice Chair Halsted commented: I would like to add my appreciation and thank Carl and the environmental justice community and to all the people who have come here today and have come here over the last couple of years and particularly our staff that has done such a great job.

One of the things that Chair Wasserman brought our attention to earlier is that we have to be part of improving the situation we have in our world and this is a big step that we are taking in that direction.

I am looking forward to passing something acceptable to those involved and I am thankful to all of you who have put this together and invested your time and energy – thank you.

Commissioner Hilmer was recognized: I wanted to suggest something. Thank you for all the work and I echo the sentiments expressed. There was a suggestion earlier regarding a recommended change to Finding C. I would ask that when you look at changes to the findings or any sub-part of the proposal that you take it and run it through the guiding principles first.

For example, the second guiding principle discusses maintaining BCDC's commitment to ensuring that the Bay remains a public resource, free and safe for all to access and use. I just ask that consistency be a goal as well.

Chair Wasserman responded: There is a real and legitimate tension between that guiding principle and the fundamental direction or mandate of the McAteer-Petris Act in terms of maximum feasible public access.

I do also believe that this Commission for a very long time has recognized that there are places and times and limits on times when ticketed events do have a place and a benefit in attracting people to the Bay.

This effort may well appropriately bring that back into question but that needs to be evaluated in the full sense and not only coming from this amendment.

I think the discussion is an important one to have but I don't want it to slip away simply under the environmental justice and social equity amendment.

Commissioner Ranchod commented: I just want to echo the comments of appreciation made by my fellow Commissioners for all the hard work that has gone into this including the Environmental Justice Commissioner Working Group and the Environmental Justice Review Team and the staff and all the community leaders and stakeholders who participated in this process over many months and years in helping getting us to this point.

I want to underscore Commissioner Arreguin's comment about the opportunity here for BCDC leadership in working with and coordinating and inspiring our local governments so that we can do more together.

I also want to note in part the inspiring comments we heard today from members of the public who came here to be part of this process. And it is a reminder of the urgency of the issue, the urgency of approving this amendment to the Bay Plan and working with communities and stakeholders to implement it.

But let's also consider all the public comments so we do get it just right because this is historic and hopefully will be a model for other jurisdictions to take the same and even greater action.

Bay Design Analyst Andrea Gaffney commented: This is in response to Commissioner Scharff's comment. We see required public access as being free. In our permits the typical conditions read, "The public access area generally shown shall be made available exclusively to the public for unrestricted public access. If the permittee intends to use this area for other purposes except as allowed in special conditions below you must obtain prior, written approval."

That is the format under which we allow special events to occur because we do see events as activities that do bring people to the waterfront but they are not allowed as a right. They are a special condition that is folded into the permit language.

So, we added "free" to clarify that the base condition is free, unrestricted, unfettered access and that there are special conditions under which we permit a variance from that.

Commissioner Scharff replied: Fair enough. As long as that is our current approach. But our current approach also does include certain permits that say you may have X number of events that do not require special permission beforehand.

Ms. Gaffney agreed: Correct.

Commissioner Scharff continued: So, my concern with this was that you were mudding the waters frankly, in that we have a current approach to it. I just wanted to make sure that we weren't changing that without having a full Commission discussion about it.

I didn't want it to just slip into this. And if we have a clear understanding that this is not what we are doing then I don't have an issue. The problem is that we don't always have the same people. And people don't remember, and someone will then point to that when someone is doing a ticketed event and say, that violates this.

I just want some clarification that this is not what we are doing.

Ms. Gaffney responded: Okay, thank you.

Chair Wasserman commented: Some of the comment letters have raised the issue of how we define vulnerable communities. I think the definition in this policy is a reasonably good working one, but I also think we need to support the efforts which have been talked about to get as many of the agencies in our region as possible to agree on a common definition. That includes MTC, the Air District all of whom are focusing in this issue and I know that it has come up in some BARC discussions as to whether that perhaps should be one of the upcoming priorities for BARC.

So we need to be aware of that, I would like the staff to consider whether there is some language we can put in that if there is some approved process where we come up with a region-wide definition, we don't have to go through a full amendment process to adopt that within this very important section of the Bay Plan.

The issue of whether we are exceeding our jurisdiction in requiring this outreach – I don't think we are exceeding our jurisdiction. I think we are required to do it by the Executive Order which does apply to state agencies and we are a state agency.

Having said that I do agree with the comments that have been made. It's absolutely critical that the efforts that we are talking about in terms of outreach be done at the earliest stages of a project.

What this effort and this discussion focus on to some extent is elevating the discussion above where it has been in some places, number one. And number two, making clear that it needs to include outreach about the issues that are within our jurisdiction which may not be of particular importance to a project applicant trying to get approval from the local agency.

In that regard, one of the earliest constituencies that we need to reach out to after we adopt this is all of the local planning staffs. We need to alert them that they need to alert their applicants for projects within our jurisdiction that they need to follow a reasonable process.

I do have some sympathy for some of the comments that say, we don't know what it is. Well I'm sorry – you never know what public outreach is. It is a little bit of - you know it when you see it. But there is a lot of guidance that can be given.

And the point about listing the groups on our website and communicating that to all of the planning agencies that we are going to reach out to is an important part of that.

I would ask the staff to look carefully at the comments which want to limit the measurement of impact and the whole evaluation of impact to shoreline access. My gut is that this is probably the primary area, but I don't think it is the only area. There are other projects that we would have to approve in terms of fill and Commissioner McGrath referred to that in terms of some of the hard shell that can affect other things and affect communities. So, I don't think it can be limited to that. But look at how that balance is articulated.

And finally, I too certainly want to share in all of our Commission's appreciation for the amount of time and effort and commitment that the members of the vulnerable communities, the affected communities have given to this effort particularly, as Carl Anthony has pointed out with damn few resources.

I think you know BCDC does not have a big pot of money. We are not going to have a whole lot to contribute to your efforts, but I do think as we move this along, we can certainly support your efforts to get additional funding for that.

And last, certainly want to applaud and appreciate our staff that has worked with you, reached out to you, and gone a long way to for them understanding you and helping other staff and the Commissioners to have a much better understanding of these issues.

We are not taking action today. Staff will take the public comments that have been made and that can be made in writing through August 2nd and Commissioners' comments – go back to the Working Group and come up with some clarifying language in some instances. If those are substantial, then we will have a second public hearing. If they are not deemed to be substantial, we won't have a hearing, but the Amendment will come back to us for adoption and at that time, the public can always comment.

If there are no further comments or questions that concludes this item and I thank all of you. And that brings us to adjournment.

10. **Adjournment.** Upon motion by Commissioner Vasquez, seconded by Commissioner Gorin, the Commission meeting was adjourned at 3:06 p.m.