

# San Francisco Bay Conservation and Development Commission

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May 29, 2015

**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: Approved Minutes of May 21, 2015 Commission Meeting**

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Ferry Building, Port of San Francisco Board Room, Second Floor, San Francisco, California at 1:13 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted (represented by Alternate Chappell, arriving at 1:25 p.m.), Commissioners Bates, Chan (Represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Gibbs (represented by Alternate Arce, arriving at 1:48 p.m.), McGrath, Nelson, Pine, Sears, Spering (represented by Alternate Vasquez), Techel, Wagenknecht, Ziegler, Zwissler and Hicks. Assembly Representative Ting (represented by Alternate Sweet) was also present.

Chair Wasserman announced that a quorum was present.

**Not present were Commissioners:** Association of Bay Area Governments (Addiego), Department of Finance (Finn), Contra Costa County (Gioia), Sonoma County (Gorin), City and County of San Francisco (Kim), State Lands Commission (Lucchesi), Governor's Appointee (Randolph), Department of Business Transportation & Housing (Sartipi), Secretary for Resources (Vierra), Governor's Appointee (Vacant), and Association of Bay Area Governments (Vacant).

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

There were no public speakers present to comment.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the April 16, 2015 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of April 16, 2015.

**MOTION:** Commissioner Nelson moved, seconded by Commissioner Gilmore, to approve the April 16, 2015 Minutes.

**VOTE:** The motion carried with a vote of 11-0-3 with Commissioners Bates, Gilmore, Scharff, McGrath, Nelson, Pine, Sears, Vasquez, Wagenknecht, Zwissler and Chair Wasserman voting, "YES", no "NO", votes and Commissioners Hicks, Techel and Ziegler abstaining.

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

a. **New Business.** Does anybody have new business they would like us to consider at a future meeting? (He received no comment.)

b. **Barry Nelson.** I would ask Commissioner Nelson to report out the actions of the currently named, Bay Fill Policies Working Group that took place here just a little bit ago. Commissioner Nelson reported the following: We spent the bulk of the meeting discussing the development of scenarios for the Commission's NOAA process looking at the Commission's policies. The staff is working to develop scenarios that will be generic versions of what will look like familiar pieces of the Bay shoreline but that are done in a way that is generic enough so that we won't be overwhelmed by the specific details in these regions. This can begin a conversation about adaptation strategies. That work is going to be continued in a Working Group meeting on July 24<sup>th</sup>. We also had a discussion about developing a work plan or a lesson plan for our Working Group so that we can develop a more methodical approach to how we are going to tackle these issues in the next year plus. This also included an initial identification by staff of some of the key Commission policies that we need to think our way through and decide if our current policies are adequate or if we need to make changes. We are going to discuss this more at our next meeting and we settled on a new name. Our new name is, "Bay Adaptation Working Group", BAWG.

Chair Wasserman spoke: We continue to make progress on our 50<sup>th</sup> Anniversary preparations. On September 16<sup>th</sup> there is a workshop at the Exploratorium in the morning and a party that evening also at the Exploratorium. This event is going to be one in a series of publications and events dealing from a variety of perspectives with how we are going to adapt to rising sea levels in the Bay Area. The Bay Area Economic Institute put out a fairly thorough report in April focusing primarily on storm issues but certainly addressing rising tides as part of that. ULI is very close to putting out the final on adapting to rising tides in the Bay Area which was done in conjunction with a number of groups including BCDC and is a very useful guide to what is going on. There has also been the, "Risky Business Report" on climate change consequences in California and it addressed rising tides as well. Two days after our event in September the San Francisco Bay Estuary Institute will have its annual, State of the Bay Conference, some of which will look backwards but there will also be pieces looking forward and we are coordinating with them in terms of programs. We are looking at a significant information campaign to educate ourselves, decision makers in the Bay and the public on the problems that we are facing and some realistic solutions. Fear and hope.

Commissioner Sears commented: I spoke at one of our earlier meetings about the Owl sea level rise visualization devices. The owls took flight and this morning we had an initiation of our two Owl viewers right on the multi-use pathway at Miller Avenue at the intersection with El Monte Boulevard in Mill Valley. We had a fantastic turn out. This will be the first time where viewers have gone in anywhere where you will see current conditions, King tides and three feet of sea level rise plus two adaptation alternatives right in the area that you are looking at. Looking through and seeing the visualizations was an amazing experience and the technology is fantastic. The Owl viewers will be in place for 12 weeks until August 10<sup>th</sup>. It is a very powerful

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education tool for sea level rise. The viewer is interactive and it also directs you to a website where you can provide further input. At the community meeting we will be reporting out on what we have learned and there will be a broader opportunity for people to talk about sea level rise.

Chair Wasserman continued the Agenda.

c. **Next BCDC Meeting.** Our next meeting will be held in two weeks, on June 4th here at the Ferry Building in San Francisco. At that meeting we expect take up the following matters:

(1) We will hold a public hearing and vote on an application by the Water Emergency Transit Authority for an operations and maintenance facility in Alameda, Alameda County.

(2) We expect to hold a public hearing and vote on a Consistency Certification by the U.S. Army Corps of Engineers for its maintenance dredging operations in the Bay.

(3) We may have a briefing on the Resilient Regional Shoreline Partnership project, or a briefing by the Bay Area Regional Collaborative (BARC), formerly known as the Joint Policy Committee.

d. **Ex-Parte Communications.** That completes my report. There is an opportunity for anyone who has not submitted a report on ex-parte communications to put in on the record now, reminding you that it needs to be in writing. (No comments were voiced.) That brings us to the Executive Director's Report.

6. **Report of the Executive Director.** Executive Director Goldzband reported:

The lawns along our street are becoming less green, fines will be levied for wasting water, rafting trips are being cancelled left and right, and yet our fifth grade son continues to believe that you can't shower in less than twelve minutes. I hope that one silver lining of our drought is that all of our neighbors will appreciate the Bay even more as it continues to grow and act as our air conditioner this summer. Perhaps we can take solace in what Don Draper once said, "There will be fat years, there will be lean years, but it will rain."

Good news from Sacramento – both the Assembly and Senate Budget committees approved the Governor's budget proposal for BCDC. This means that BCDC's one million dollar General Fund augmentation, absent excessive weirdness, will not be a matter for discussion from here on out. As a result, we are planning for next year assuming the increased revenues.

We have two new staff members to announce. Rosa Schneider accepted the job of her dreams as an environmental educator on Mount Tam, which means that we have decided to hire Tinya Huang, a former intern at BCDC who has been working in the Coastal Commission's San Diego office. Tinya earned a Master's Degree in Environmental Science and Management from U.C Santa Barbara after she earned both her undergraduate degree and her first Master's Degree, in Biology, from Stanford. Her resume includes stints at NOAA's Gulf of the Farallones National Marine Sanctuary, at the California Academy of Sciences and at Stanford's Hopkins Marine Station. We are happy to have her start on June 1, unless any Commissioner has questions or concerns. (No questions or concerns were voiced.)

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Speaking of returning veterans, Alexandra Babcock is back with BCDC. (Ms. Babcock stood and was recognized.) Alex was a legal intern with us during the summer of 2013. Since then she has earned both her law degree and her M.A. in Marine Affairs and Policy from the University of Miami and she has just passed the California Bar Exam. So, she will be a law clerk for BCDC while she begins what we are sure will be a distinguished legal career.

You may remember that I accompanied our own Commissioner Bijan Sartipi and MTC Executive Director Steve Heminger to Sacramento to meet with Secretary Brian Kelly to advocate that Caltrans fund a Baywide Adapting to Rising Tides program, commonly known as ART. This came on the heels of MTC deciding to expend upward of one million dollars annually to support ART. The meeting went exceedingly well and we hope that the Secretary will be able and willing to match MTC's generosity. You will see my thank you note to the Secretary at the top of the reading pile in front of you.

The Climate Readiness Institute – the collaboration among Cal, Stanford, Davis and the Lawrence Berkeley Labs – has funded its first project and it involves BCDC. Kristina Hill of Cal's College of Environmental Design is outlining a sea level rise project with BCDC. She thinks, in general, that our staff generally walks on water. While walking on water would be a somewhat efficient way to adapt to rising sea level, we have more faith in the project's goal to develop strategically useful classifications and visualizations of recent coastal adaptation projects to help determine which of their practices should be widely supported.

Also in front of you are three reports that I think you'll find interesting. The first is Governor Brown's Executive Order of April 29, 2015 which is the Governor's first E.O. that mandates adaptation planning practices within state government. A number of us from BCDC will be meeting throughout the year with representatives of the Governor's Office of Planning and Research and the Natural Resources Agency to confirm BCDC's approach to adaptation and ensure that our efforts are aligned with the Administration's.

Second, the San Francisco Chapter of the Urban Land Institute has published a very interesting report entitled: "Tackling Sea-Level Rise: Best Practices in the San Francisco Bay Area." It points to the need for public and private collaboration to develop resilience planning initiatives and resilience-related development entitlement conditions in the Bay Area. You will note references to BCDC's work throughout the report.

Third, I have attached an interesting read about John Reber, a noted local engineer who proposed between the two World Wars that the Bay Area build two giant dams to transform most of the San Francisco Bay into two freshwater lakes and create massive amounts of infrastructure and fill. There would have been no need to save the Bay in the 1960s had Reber's plan been adopted. The story of how it was developed and the discussions that surrounded the Reber Plan are worth reading.

Finally, let me expound upon what Chairman Wasserman said about Bagley-Keene. Under an amendment to Bagley-Keene authored by Assembly Member Phil Ting that requires roll call votes on all actions taken by state agencies and a public report of each member's vote on the action taken, starting today the Chair will use some unanimous consent procedure for minor

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matters such as a motion to adjourn or a motion to adopt the Minutes. We shall need to note whether any Commissioners who are in attendance decide not to vote as an abstention or otherwise and we shall need to note the Commissioners who are no longer in attendance. All other Commission votes will be determined by a roll call that will be detailed in the Meeting Minutes. I would be very interested from those of you that serve on county boards of supervisors and city councils whether you are in some way changing the way you are doing your practices or whether that is not necessary based upon the way you have always done so.

That completes my report Mr. Chair and I am happy to take any questions.

Chair Wasserman asked: Any questions for the Executive Director. (He received no comment.) The Chair moved on to Item 7.

**7. Consideration of Administrative Matters.** Chair Wasserman stated: Brad McCrea of our staff is here if you have any concerns or questions regarding the administrative listings which were distributed to us on April 24th. (No concerns were voiced.) Agenda Item 8 was taken up.

**8. Commission Consideration of a Contract with the California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR).** Chair Wasserman announced: Item 8 is a consideration of a contract agreement with the California Office of Spill Prevention and Response (OSPR) to continue to cover the costs of BCDC's responsibilities under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990. Linda Scourtis will provide the staff recommendation. Oil Spill Prevention and Response Manager Scourtis reported the following: The staff recommends that the Commission authorize the Executive Director to enter into an agreement with the California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR), which would provide the Commission up to \$350,000 over the two-year period from July 1, 2015 through June 30, 2017 for us to carry out our responsibilities under the Oil Spill Prevention and Response Act. The staff further recommends that the Commission authorize the Executive Director to: (1) amend the agreement as necessary, including revising the amount or duration of the agreement, so long as the amendment does not involve substantial changes to the scope or amount of the agreement; and (2) enter into similar agreements with OSPR in the future.

The Commission works closely with the California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) and other agencies, industry and environmental organizations to reduce the risk of oil spills in the Bay and to better protect natural resources should a spill occur.

OSPR has provided funding to the Commission since 1992 for its work. Commissioner McGrath represents BCDC on the Harbor Safety Committee to reduce the risk of accidents that could result in a spill.

The proposed agreement would support the Commission's continued participation in this work to protect San Francisco Bay. The staff therefore recommends that the Commission authorize the Executive Director to enter into a two-year agreement with OSPR for up to

\$350,000 and to amend the agreement as necessary so long as the amendment does not substantially alter the scope or amount of the agreement, and to authorize the Executive Director to enter into similar agreements with OSPR in the future.

If there are any questions I am happy to answer them.

**MOTION:** Commissioner Nelson moved approval of the staff recommendation, seconded by Commissioner Pine.

**VOTE:** The motion carried with a roll call vote of 14-0-1 with Commissioners Bates, Gilmore, Scharff, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Ziegler, Zwissler, Chappell and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Hicks abstaining.

Chair Wasserman announced: We are going to take up Item 10 before Item 9. He moved to Item 10.

**10. Public Hearing on Proposed Coastal Management Program Assessment and Strategy.**

Chair Wasserman stated: This is a public hearing on BCDC's proposed Coastal Management Program Assessment and Strategy pursuant to the federal Coastal Zone Management Act. Rebecca Coates-Maldoon will make the staff presentation and Rebecca Smyth of the NOAA Office for Coastal Management will also speak.

Planner Coates-Maldoon presented the following: I am here today to present the proposed Assessment and Strategy for the 2016 – 2020 enhancement cycle. The proposed Assessment and strategy was included in your agenda packet. Becky Smyth the West Coast Regional Director for the NOAA Office for Coastal Management will give an overview of the Coastal Zone Management Act, Section 309.

Ms. Smyth presented the following: Every five years the Coastal Zone Management Act asks the coastal programs around the country to navel gaze; to look at what they are doing, how they could do it better, take advantage of opportunities and think about a way forward. This was created back in 1990 after about 18 years of the Coastal Zone Management Act and people were struggling to figure out how to move forward. These programs are not static and issues change. The challenges and the lessons learned also change.

This provides a way to look forward for the next five years and to think about where you can go from here.

There are nine areas outlined in the Coastal Zone Management Act that you are allowed to look at and do an assessment and ranking of which are important. Three resonate really well with BCDC, public access, wetlands and hazards.

Even back in 1990 included in the hazards definition was sea level rise. That has been a real driver for a lot of your work.

For the last ten years the good news about the 309 is not just a strategy, it provides money. Over the last decade BCDC has received over one million dollars to help them with the strategy. This is, “free”, money. You don’t have to match this money like the rest of the money from NOAA. It is an incentive for the programs and for the issues and your partners to move forward.

There are a couple of things that you have done with this money in the past. You have helped fund and work through the Bay Ecosystem Habitat Goals Program under the wetlands piece of it. You have dealt with Derelict and Unauthorized Live-aboard Vessel Monitoring Program under the Marine Debris part of it. And you have dealt with some Suisun Marsh issues under the Special Area Management Plan.

Where you really have moved forward in the last ten years is under the Hazards category; specifically, rising Bay. With one of your earlier grants you actually developed the Living With A Rising Bay Report that led to your policy changes. And that is one of the things under these assessment and strategies, they have to lead to a change. It is not just developing a strategy. You actually have to change a policy, a program and take what you have learned and put it into action.

The most recent and exciting program that you have had funded under this was the Adapting to Rising Tides Project back in 2010 at the very beginning of the five year strategy.

You developed this very innovative program which we continue to hear about. It allowed not just the community and BCDC to work on it; it really created a partnership with federal agencies. This was the seed money that snowballed both other parts of NOAA and the Department of Transportation into funding pieces of this that could not have been done without this Assessment and Strategy and the subsequent money.

This continues to grow. It has gone from a project to a program. You continue to attract NOAA partners and other federal agencies. You are pushing the boundaries and are visionary. In fact, some of your staff members were at the National Adaptation Forum two weeks ago. I got a text from colleagues up in Washington asking, how can we do adapting to rising tides in Washington, Puget Sound, and, by the way; can we get the same amount of money BCDC got? (Laughter)

It really has been beneficial. BCDC has done a wonderful job of really being visionary. It is a self-assessment, so the programs can be as visionary or as conservative as they want. Of all the programs, BCDC has done a wonderful job helping you in the Bay Area advance your goals and take advantage of opportunities.

Ms. Coates-Maldoon continued: So as you heard from Becky, BCDC must complete an Assessment and Strategy for review and approval by NOAA every five years in order to be eligible for Section 309 grant funding. This funding is approximately \$130,000 per year which supports almost one full-time staff member working on a project that NOAA has approved through the Assessment and Strategy as well as the 309 grant process.

So this is an important but small portion of the funding for our programs that help leverage other funding sources.

The Assessment and Strategy includes more projects than can be funded or completed. This is intended to be a comprehensive document and it gives us flexibility over the five year period.

The previous Assessment and Strategy was approved by NOAA in 2010 and this Assessment and Strategy covers the next five year fiscal period.

There are three main components to the Assessment and Strategy. The first is a summary of recent Section 309 achievements. There is a two part assessment which is the factual basis for BCDC and NOAA to cooperatively determine priority needs for program improvement.

The Phase I assessment is a high-level look at nine different enhancement areas or coastal-issue areas which leads to the identification of priority enhancement areas that are further evaluated in Phase II.

The Phase II assessment is an in-depth look at the high priority enhancement areas identified in Phase I.

And the strategy identifies specific activities that are needed to address objectives and needs identified in Phase II. This is the section that guides expenditures of future Section 309 grants.

The Assessment and Strategy supports BCDC's Strategic Plan Goal Number 1. In particular, this assessment of the Commission's Coastal Management Program and the strategies that have been developed support the Objectives One, Three and Five.

The Summary of Achievements is a list of accomplishments from the past five years that were funded by Section 309 as well as other grants sources or General Funds that support the objectives that were identified in the previous Assessment and Strategy.

One example is BCDC's partnership with the Suisun Resource Conservation District to update their Suisun Marsh Local Protection Program including the Suisun Marsh Management Program and the individual management plans for waterfowl hunting clubs which is currently underway and which is funded by Section 309.

Another example is the ART Program which is working to build local and regional capacity to plan for and implement adaptation responses around sea level rise and storm event impacts. ART has had many funding sources, one of which is 309.

Outcomes of the program have supported many of the agency's coastal management improvement objectives.

The Phase I assessment focuses on nine specific enhancement areas that are identified by Congress as being of national importance.

Although the assessment discusses all nine, BCDC's Coastal Management Program focuses on the first six that are listed here as these are the most relevant to the Commission's plans and policies.

For each of nine enhancement areas Phase I provides a high level resource and management characterization. In this section staff also determines which enhancement areas are high priority for BCDC based on these characterizations as well as on stakeholder and staff input.

To assist with the prioritization of these enhancement areas we reached out to over 500 stakeholders earlier this year to conduct a survey on priorities, critical issues and suggestions for improvement.

We sent the survey to the Commission. This survey was anonymous. We had a very good response rate with 79 responses from stakeholders and 22 from staff. We also got some interesting insights from some short-answer responses.

From this survey, wetlands and coastal hazards were identified as high priority for both staff and stakeholders. The other enhancement areas surveyed had moderate or lower response rates.

Overall, 91 percent of stakeholders and 95 percent of staff chose either coastal hazards or wetlands or both as a top priority enhancement area.

The Phase II assessment is an in-depth look at the identified high-priority enhancement areas, which were wetlands and coastal hazards.

This section provides further information on resource trends, management priorities, key issues, success of existing programs as well as information gaps, priority needs and opportunities for addressing identified concerns.

The strategy describes specific activities to improve high-priority enhancement areas objectives that were identified in Phase II that can be achieved from fiscal years 2016 to 2020.

All Section 309 funded work for the next five years must be consistent with a strategy in this section.

We have the ability to be flexible in our requests to NOAA and to undertake projects with the highest priority during that time.

Based on the assessment, both Phase I and Phase II, there are three proposed strategies. This document presents a high-level overview and the goals of each strategy which is further fleshed out in the grant writing process on an annual basis.

Over the past five years there have been significant collaborative research efforts as well as advancement in local and regional knowledge, data and information on wetlands sustainability in light of sea level rise and declining sediment supplies.

Strategy I capitalizes on information from these efforts to better address current and future wetlands functions and processes.

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Where appropriate, BCDC's findings and policies will be updated to ensure emerging wetlands issues can be addressed when managing these systems.

This strategy focuses on updating Bay Plan findings and policies as well as any guidance documents. Any updates would be undertaken with an inclusive public process.

Also over the past five years, there has been substantial progress on working collaboratively to understand and address current and future coastal hazards. Some of these efforts include the revision of the Bay Plan to address climate change, the Adapting to Rising Tides Program, Stronger Housing Safer Communities in partnership with the Association of Bay Area Governments, the formation of the Resilient Shoreline Partnership and the current Policies for a Rising Bay Project.

Strategy II leverages these earlier investments to address coastal hazards needs and information gaps by incorporating findings and recommendations from these adaptation and resilience planning efforts into BCDC's Coastal Management Program.

This may include revising several Bay Plan findings and policy sections, developing or refining adaptation planning findings, process tools and how-to guides such as the ART Portfolio and advancing regional collaborative efforts.

Finally, Strategy III focuses on evaluating, improving or updating BCDC's Special Area and Sector Plans to improve consistency with the Bay Plan, address emerging issues such as climate change and incorporate best available information that is specific to each area.

It will also evaluate the use of Special Area Plans as an appropriate tool for future coastal management planning to address climate change and shoreline governance.

This is particularly important for wetlands management and increasing local resilience to coastal hazards.

Some of the plans that may be evaluated and potentially updated include the San Francisco Bay Area Seaport Plan, the Suisun Marsh Protection Plan and the associated Local Protection Program and the San Francisco Waterfront Special Area Plan.

Right now we are part way through the 30 day public comment period on the draft Assessment and Strategy. You can still submit comments through June 7<sup>th</sup>. The public hearing today is a chance to ask questions and to provide input on the draft document.

We have been in close communication with NOAA throughout this process and they are currently reviewing the draft Assessment and Strategy.

The Commission will consider the final Assessment and Strategy after we incorporate comments from both the public and from NOAA tentatively on July 16<sup>th</sup> in order to submit this document to NOAA by the end of July.

If you have any additional questions or feedback on the Assessment and Strategy please feel free to contact me.

Chair Wasserman continued: We will now open the public hearing. I do not believe we have any speakers. That being the case, I would entertain a motion to close the public hearing.

Do we have any questions from the Commissioners on the report?

Commissioner Zwissler had a question: Is all of this policy review targeted only specifically to compliance with the NOAA grant process or does this also inform our broader policies?

Ms. Coates-Maldoon replied: This is fairly specific to the Section 309 funding. Anything else that the Commission does would be supported by other funding.

Chief Planner Joe LaClair added: The Strategic Plan was a key driver for the content of the Assessment and Strategy. In addition to providing us a basis for obtaining NOAA funding it is another way of taking a long look at the challenges the Commission faces and ways to address that.

Executive Director continued the conversation: What Rebecca just told you is first of all, it is an example of what we learned in Civics as good government. The federal government provides a grant to a state program or local program and then actually has to receive a report back that somebody in a responsible position has to actually read to make sure that the money was spent the right way.

That, in and of itself, is a good thing. To get closer to the question that Commission Zwissler just asked I would argue that from the Executive Director's standpoint the reason that what Rebecca and her collaborators are doing is important is that it is very important from a management perspective; just as important as from a policy perspective.

I have to disagree with my friend Becky Smyth. This is not free money. If it were free money Rebecca wouldn't have to be up here talking to you and wouldn't have to be pounding out this report. It is as close to free money as we're going to get. This is because NOAA has seen fit in its process to ensure that California not only follows the rules but California has the best coastal zone management program in the nation. We work with our other coastal zone managers to make sure that continues to happen.

That enables us to set these priorities. From a management perspective that allows me to work with Joe and the rest of the senior staff to ensure that we have the funding that we need to accomplish what we actually need to accomplish.

This is one of those very dry but very, very important things that we have to do as a Commission to ensure that that continues.

Finally, let me just say this about another part of Commissioner Zwissler's question. We do an awful lot of work that is prompted by our communication internally especially led by John Bowers our staff counsel with regard to the enforcement of the Coastal Zone Management Act.

CZMA is an incredibly important tool on the federal level for us to use to work with the Corps. of Engineers, to work with other federal agencies and to demonstrate that there is a federal presence and a federal need for the state to take the lead in various ways.

Anything that we can do to ensure that the Commission understands that we actually have federal partners we think helps us help you. As you on June 4<sup>th</sup> take a look at dredging that is proposed by the U.S. Army Corps of Engineers you will keep in mind that all of this happens in light of the Coastal Zone Management Act. That is yet another way that this process helps inform what the Commissioners actually can then analyze.

Commissioner McGrath commented: This seems straight forward and very dry. I do have a question when I look at the work plan. This goes through the use of the Special Area Plan to begin resiliency planning. When we adopted Bay Plan policies we didn't talk only about the Special Area Plan. We talked about a larger subset. At some point we are going to have to engage local governments outside of the special area planning process to get them to develop plans that they are comfortable with. I don't see any funding for that in here.

If I were to set priorities I might put that at a higher level than some of these. What is the prospect for future funding that begins to engage local governments? There are a lot of them and there are many, many more miles of shoreline that we need some assessment on in terms of adaptation than we have here.

Mr. LaClair replied: The Commission has a number of special area plans that are already behind the curve in not addressing climate change and sea level rise. For that reason we did prioritize those.

And then in terms of looking at working with local governments to develop other special area plans, we are pursuing funding to advance the ART program region-wide so that we have a foundation of a regional vulnerability assessment from which we could build the kind of planning documents you are referring to.

And we prioritized funding for the evaluation of special area management plans as a tool for working with local governments to advance those vulnerability assessments into policy documents.

It would be a new initiative for the Commission to take up that type of planning in other areas than they already have around the region. We think it is important to lay the foundation for that before we actually started developing the specific plans.

That is why we have taken this approach and although it shows it as occurring in fiscal year 2020, that could be moved up to next year if it was timely. This is a flexible plan so it could be shifted forward if that were appropriate.

Commissioner McGrath stated: So, the preferred mechanism under the Coastal Zone Management Act is the special area management planning and there is funding for that. Let's say I'm Marin County and I'm worried about flooding on 101 and I want to do some planning; the mechanism where there is an incentive and funding to do that work is a special area management plan. So they could choose to do that.

Mr. LaClair agreed: Yes they could. And if they chose to do it in the next couple of years and the Commission felt that it was appropriate to launch the project like that in a couple of years' time, under this Assessment and Strategy you would be able to do that.

Chair Wasserman announced: No further action is needed at this time. There is still time to make comments if you wish to submit them in writing. This brings us to Item 9.

**MOTION:** Commissioner Nelson moved to close the public hearing, seconded by Commissioner Bates.

**VOTE:** The motion to close the public hearing carried with a vote of 15-0-1 with Commissioner Hicks abstaining.

**9. Public Hearing and Possible Vote on the City of Larkspur's Proposed Reconstruction of the Bon Air Bridge (City of Larkspur).** Chair Wasserman announced: Item 9 is a Public Hearing and Possible Vote on the City of Larkspur's proposed reconstruction of the Bon Air Bridge in Marin County. Jaime Michaels will present the staff recommendation.

Principal Permit Analyst Michaels addressed the Commission: On May 8<sup>th</sup> you were mailed a summary of the City of Larkspur's application to construct the Bon Air Bridge, which is located in the certain waterway jurisdiction at Corte Madera Creek, in Marin County.

During demolition and construction of the project, temporary facilities will be placed in the creek partly to allow continuous traffic flow over the course of the project construction.

The project also involves relocating utility lines.

The proposed two-vehicle lane bridge includes separated bike and pedestrian lanes, which will be ADA compliant. Including these improved public facilities on the bridge will result in a structure that is about thirteen feet wider and 6,300 square feet larger than the existing bridge.

The deck of the bridge would be one foot thicker than the existing deck and, as a result, the under—bridge clearance for non-motorized boats is slightly reduced.

The City proposes to offset this impact by implementing ADA-compliant improvements at two nearby public docks.

The project would result in temporary impacts to an 870 square foot area of tidal marsh and permanent impacts to a 44 square foot marsh area.

At the end of bridge construction, the temporarily impacted marsh would be restored.

The permanent impacts would be mitigated by converting an approximately 11,000 square foot area into tidal marsh.

The City also has provided funding towards a project to enhance special listed species habitat at nearby Creekside Park.

As a result of these mitigation efforts and the removal of the existing bridge, the proposed project would ultimately result in about 4,800 square feet of new fill in your jurisdiction.

There are two letters in your packet; one from the Marin Audubon Society and one from the City responding to the Marin Audubon's Society comments.

The proposed bridge with public bike lanes and sidewalks is designed to be resilient to future flooding in the Creek.

On that note, there are a couple of corrections that are needed to the staff summary. On page 17, in the first full paragraph which is mid-page, the third sentence should state, "The highest elevation at the proposed bridge deck would be 18.24 feet NAVD", and not, 18.14 feet. Similarly, the fourth sentence should state that, "The highest elevation of the bridge soffit would be at 12.74 feet NAVD 88", and not 12.64.

These sentences should also state that, "These high points of the bridge deck and soffit would be located between bents four and five", which is just about north of the bridge mid-point.

In evaluating the proposed project you should consider one: Whether the proposed fill would be consistent with your law and relevant Bay Plan policies including those related to fish and wildlife, water volume and water quality. Two: Whether the project would be constructed in a manner that meets sound safety standards and be resilient to future flooding. Three: Whether impacts would be adequately mitigated. Four: Whether public access improvements would be the maximum feasible consistent with the project and be reasonable in light of the project's scope. And five: Whether the project would ensure safe navigation conditions in the creek.

And with that I would like to introduce Mary Grace Houlihan who is the Director of Public Works from the City of Larkspur to present the project.

Ms. Houlihan presented the following: It was a little over two years ago when I started with the City of Larkspur I attended your DRB meeting for this project.

I am hoping that today we are successful in completing a process which I am going to stand very, very proud of; the collaboration between all of the agencies that we have been working with, including BCDC.

We have successfully designed a project that is respectful of the environment. It is going to improve the hydraulics of the creek. We are keeping the mitigation within the same watershed, which is a grand accomplishment.

We are completing almost ten years of the gestation period for this project. We hope to birth it this year.

I would like to thank Jaime Michaels and Rafael Montes for all they have done on this project. I cannot tell you how wonderful your staff is. I get calls in advance helping us through the process of how we should be preparing our information to assist the various boards and commissions in understanding what the project is.

The Bon Air Bridge is a tight fit across a very busy run. The Bridge is structurally deficient. It currently has some emergency support systems holding it up. Our goal is to improve the access and safety for pedestrians, bicyclists and motor vehicles. We are looking to do that with an enhanced structural improvement to the bridge but also to have multi-use paths on both sides and separated bike ways.

The Bridge is one of two creek crossings into Larkspur and the regional community. It is further impacted by the fact that Marin General is one side and a huge amount of the support for the hospital is actually on the other side of the bridge. Closing this bridge is really not feasible.

This bridge was built in 1958 and has gone through a couple of rounds of widening, and enhancement. About ten years ago it was determined that it needed to be replaced. It wasn't feasible to try to retrofit it.

The city was successful in getting funding through the Highway Bridge Replacement Program. It has cleared both CEQA and NEPA and we have obtained permits from the Regional Board, U.S. Fish and Wildlife, California Fish and Wildlife, Army Corps, and it goes on and on. We have executed a new lease with State Lands.

Design is complete and we have pre-qualified contractors for this project and we are ready to go.

The project is a wider, seismically safe and structurally competent bridge within a sensitive environmental context. We have relocation of existing utilities. AT&T facility is the main connection between San Francisco and China and Japan.

Permanent features include barrier-protected, multi-use paths. We will have downcast lighting, which is an improvement in this area. It will be seismically monitored by USGS. The profile of the bridge will be streamlined.

We are going to have to construct the bridge from temporary trestles on either side. We will have cofferdams to protect the fish and allow us to construct the piers. PG&E will be relocating to over the creek for approximately one year and a half to two years.

We have 14 regulated species addressed in NMFS and USFWS biological opinions. We have had to figure out a good construction sequence for this project.

We are minimizing foundation supports enhancing less debris accumulation and less physical obstruction.

The utilities are going to be incorporated within the bridge structure or go underneath the creek instead of hanging on the outside of the bridge.

We are using a pre-cast deck system via staged construction, which will minimize pile driving.

We will have International Dark Sky respectful lighting and see-through railings. We will be looking at accommodation for sea level rise. We will also have non-mechanical joints that allow for the water to come up and not rust things out.

We have constraints on our in-water work. We need to use environmental windows for our work. We are monitoring the Clapper Rail in this area. We will have on-site biological observation during construction. There will be a frac-out plan because we are going under the creek for AT&T. We will implement our standard erosion protection and SWPPP. There will be vibration and noise monitoring.

I am going to invite Han-Bin Liang with WRECO. They are helping us with our hydraulic assessments. He will speak to the hydraulics and sea level rise issues.

Dr. Liang addressed the Commission: I am Han-Bin Liang; hydraulic engineer for the project. I am here to talk quickly about our study of the sea level rise and impacts to the project and vice versa.

People are always asking me, is sea level rise for real? I always tell people that it is for real. If you don't do anything right now the sea level will rise. The skies may not fall but sea level will rise.

For this project here we looked into the sea level rise impacts and also we prepared an adaptive management plan. And this adaptive management actually is quite interesting. Basically to address sea level in the Bay Area is not as easy as people think and you have to look in both software and hardware. Hardware includes things like building levees. Looking at Venice and looking at the Dutch that built those gates. Those are what are called hardware. But personally, I really prefer the software approach where you can mitigate wetlands, putting as much wetlands as possible to mitigate the so-called flooding damage.

So that's ballpark of the adaptive management plan. Also we should monitor the sea level rise. If you combine all these techniques then that really addresses the issues.

But the bottom line is you have got to look at it from the regional perspective. It is not like in one project you can address the entire sea level rise issue. Whatever you do locally you will have impacts upstream and downstream, so you really have to look at it from a regional perspective.

This is a very useful website from NOAA. And if you go to BCDC's website, with one click it will take you to NOAA's website and give you all the sea level rise information. When you first get into this page you can see a green-colored area. That means it is a low-lying area.

You can do the interactive approach and you can click the buttons and you can click the "1" for sea level rise, 2-foot, 3-foot and all the way up to the 5-foot sea level rise. The dark blue color is the current flooding levels; the light blue color is the different sea level rise levels.

This is another piece of information. It's a study performed by USGS and prepared by Noah Knowles. This information is Google Earth-ready. What I did here is pulled his files and overlapped them with Google Earth. You can see the different colors. What that shows is the different impact zones for the different sea level rise. The blue color is the current so-called high-water level. The 20 inches, the light blue color, that's 20 inches of sea level rise. The yellow color is 40 inches and the red color is 60 inches. Think about that red color. Even Bon Air Road, when you have 60 inches of sea level rise, a good chunk of Bon Air Road will get inundated.

This is the profile of the Corte Madera Creek. On the left side is San Francisco Bay. On the right side you can see sticks coming vertically up. That's the Bon Air Road Bridge. It is about two miles from the mouth of the creek. The bottom color, the brown color, is the channel bottom. This is actually what we got from the US Army Corps of Engineers hydraulic model. We use that model as a base and then we run it with different designs, the bridge alternatives.

This is under the current conditions. In the Army Corps' model, their design criteria for the creek, the flood control is you have the 100 year flood coming down from the right, from upstream, and then going down to the left side, you see San Francisco Bay. You see the elevation of 5.6, that's 5.6 NAVD, vertical datum, mean higher high water at the Bay. If you have 100-year water, the design flow is about 8,653 cfs. You can see the backwater effect. So the mean higher high water, 5.6, at the bridge site, the water surface is at exactly 9 feet.

If we look at the 2050 sea level rise, 16 inches at the Bay. So that being said, the water level at the Bay for mean higher high water gets up to 6.9 and then the backwater at the bridge is 9.2. Because of the damping effect the bridge is only increased .2 feet.

Now with the 2100 sea level rise, so 55 inches. The water surface elevation of the mean higher high water at the Bay is 10.2; the backwater at the Bridge site is 10.7. So the difference between the Bay and the bridge location is only like half a foot.

This table is to summarize the water elevations with different sea level rise. I want you to focus on the second column of numbers on the left. That's the top of the bridge deck elevations at different pier locations and abutments, talking about both ends of the bridge. You can see the lowest deck elevation is at 12.53. That is the bottom one, Abutment #6.

Then if you go to the middle of the table, 100 year with mean higher high water at the current conditions is 9 feet. Then with the 2050 sea level rise it goes up to 9.2. Then at year 2100 sea level rise, 55 inches of sea level rise, the water's elevation at the Bridge is 10.7. Basically the bridge will stay dry and safe during the 100 year storm. I don't know how many people will try to go out and drive on the bridge, but basically the bridge deck will remain dry.

Now this is the cross section of the proposed bridge from the model. This is where we look downstream. On the left side that's to Greenbrae and the right side is to Larkspur. With fewer piers it actually helps hydraulics for the water to go upstream and downstream. It makes the sediment transfer going upstream and downstream a lot easier.

So this is under the current conditions, 9 feet, that's the water's elevation. On the Larkspur side, that approach road is quite low so you do have some ponding on the Larkspur side.

You barely can see, remember the difference between the year 2050 and current is only like .2 feet, so you barely can see the orange line above the blue line of the water surface.

Now the last one is the year 2100 with 55 inches of sea level rise. You can see, again, the bridge deck remains dry.

Ms. Houlihan continued: I am going to briefly go over our offsite mitigation for this project. We have a number of them.

This one, we are really excited about, this is something really special. Our Piper Park in Larkspur is a real special area to our community. It is an area where our community has a lot of activity but it is also very special in that it is surrounded by habitat and our residents really enjoy the passive use around the perimeter.

This project is going to move our dog park from an area that really will be beneficial to be restored as marshland and tidal habitat and closer to the developed area of the park and provide a beautiful area that is wonderful for the environment but also is going to have some educational overlook to help people understand more about the environment and the importance of it. This is a brief engineering diagram to understand where we are going to be carving in to that current dog park area and allowing that area to become marshland again.

We also have two projects to increase accessibility to the waterway. We have three docks in Larkspur; none of them are ADA accessible. This project as part of the mitigation is going to retrofit two of these docks to be ADA accessible. One is at our Bon Air Park and the other is at Marin Rowing Club.

Then to mitigate for the stormwater runoff of the area that is being repaved and widened as part of the bridge, we have worked with Regional Board to do stormwater filtration enhancements on our main arterial of Magnolia Avenue. We have a greenway along there, which will lend itself nicely to a filtration basin as well as some removal of pavement along that corridor and enhancement of a ditch area.

Our schedule. AT&T has been out to bid and is looking to award in about two weeks. We expect them in construction shortly and PG&E is scheduled to start construction in about one month from today.

We are looking at, assuming we receive approval today and get through our last funding hoop with Caltrans to say, "Yes, you can go." We are expecting the bridge construction to start late summer, early fall. We will continue construction for 3.5 to 4.0 years depending on the environmental issues and whether or not we have Clapper Rail and things of that sort.

We will be constructing the bridge in two halves so we will move traffic and demolish ten feet of the Bridge, construct the first half of the bridge, move everybody back over to there, demolish the second half, build the second half and hook them together and then let everything rock and roll.

We will be doing all the mitigation projects in parallel with this. We have completed our consultant selection for our mitigation projects and are in the process of negotiating that contract right now.

So for our mitigation schedule. We are hoping to be back to BCDC here in the fall for the permitting of the docks and no later than the winter on the tidal marsh restoration so that we can get those into construction as quickly as possible.

We are hoping to have all of our construction initiated by the fall of 2016 and hopefully completed within that season.

We have been engaging in a great deal of public outreach. This is going to have a big impact on our habitat of humans in the Larkspur community and surrounding area so we have been meeting with people, businesses and neighborhoods for several months. We actually have a huge outreach meeting tonight as well. We have a website up, we have a hotline, we have signage going in on our trails and we are trying to keep everybody apprised of what is going on.

So with that, I have here with me today Micki Kelly of Kelly Biological, I have Maggie Townsley of ICF, and I have Ali Seyedmadani who is our structural engineer from Parsons Brinckerhoff, and of course Han, to answer any questions you may have.

Chair Wasserman announced: We will open the public hearing. Again, we have no public speakers. I would entertain a motion to close the public hearing.

**MOTION:** Commissioner Vasquez moved to close the public hearing, seconded by Commissioner Techel.

**VOTE:** The motion to close the public hearing carried with a vote of 14-0-0 with Commissioners Bates, Gilmore, Scharff, Arce, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Zwissler, Chair Chappell and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Hicks abstaining.

Chair Wasserman announced: The hearing is closed, thank you. Are there any questions from the Commissioners?

Commissioner Gilmore commented: Obviously a great amount of work has gone into this so you and your staff should be commended. But I can't help but comment on the slides and the explanation about the sea level rise. Because as I was going through the materials I was having a difficult time picturing what the Bridge was going to look like, depending on what level of sea level rise we were talking about. I thought that the representations were extremely well done for somebody who is as far from being a structural engineer as you can possibly be.

Even I could understand what would happen under what scenario. Like I said, I think if other applicants would come to us with maybe not quite that level but a graphic representation of what happens I think we would all be well-served, so I just wanted to say, thank you.

Commissioner Arce had a question: Obviously you have done so much outreach, it's really exciting. There is nobody here saying, there's a hangnail that I've got I want to raise with the Commission, you've covered it.

The question I have is on construction considerations. I was wondering if you could just speak a little bit about to the component around environmental training and monitoring during construction, because it sounds like maybe a great way to help even expand the scope of how we provide access for the enjoyment of the Bay, or you are increasing maybe awareness, depending on how you do the job. A training program if you are working with disadvantaged community members, folks around Marin, Marin City, the Canal and San Rafael. If folks in those communities were part of the training they might be exposed to new, not just jobs obviously, but also to all the vitality on the Bay and something that Commissioner Sears could probably appreciate. I just wanted to know a little bit more about the environmental training bullet point up on the slide.

Ms. Houlihan replied: So particularly when we are talking to make sure that our work crews, inspectors and anyone associated with the project understand all of the constraints of this project.

We did not want to downplay it, by any means. This is a local bridge but we are dealing with 14 different species. That is not to be underestimated. I could ask Micki Kelly if you need to have it expanded but she is involved with our construction team to help educate all of our construction workers and inspectors and what have you. They'll get a sticker on their hat that they have gone through a couple of hour training regarding it.

I appreciate your point, though, because I am a big proponent of helping educate the community. I think it is a great idea to reach out to our schools and our local groups to invite them for either tours or information sessions. And I will keep that in mind because I think it is a great idea.

Commissioner Arce added: Yes. Or even go the next step and help get them a job through some of the efforts that are happening. I know Marin Clean Energy is working to help support some efforts in the Canal, which is not far away. If they can get the training, the awareness of Clapper Rail and is there a Harlequin duck up there too?

Ms. Houlihan continued: It's a great idea. About a month and a half ago I actually had the baseball team contact me that their new coach was very much a proponent of community service, so I came in on a Saturday and worked with 60 of our baseball students to do some work in Piper Park and we really started building this community and team effort together. We can build great things to help the community understand the importance of their involvement in taking care of their community. We do have a special resource in having the creeks and the habitat through this community, and I think it is a wonderful idea.

Commissioner Nelson inquired: Two questions for staff. First is, I just want to make sure I understand the application correctly. The improvements to the boat docks, those are formally a part of the application as part of the public access requirements and they are fully open, public boat dock facilities?

Ms. Michaels answered: They will be a part of the requirements of the permit; they are in the recommendation when we get there. They are not a part of the authorized work that is going to happen here, that will be authorized in a separate permit application that will be submitted by the City.

Commissioner Nelson wanted clarification: But they are part of the requirements so they have to come back later for permits?

Ms. Michaels replied: Yes.

Commissioner Nelson continued: Second, this Bridge has a 6,000 square foot increase in surface area compared to the existing bridge. Given that we have to make that requirement regarding minimum necessary fill could you just walk us through what the staff has done to make sure that we have done that here. There are bike lanes, pedestrian lanes and then vehicle lanes. Could you just walk us through why this bridge is so much larger than the existing one and why the staff recommends that that is appropriate?

Ms. Michaels explained: The primary reason for the increase in fill, the 6,000 square feet, which ends up being a little bit less when you account for the demolition of the existing bridge and the mitigation, is really to accommodate the two bike lanes and the two sidewalks on the bridge. There is currently one sidewalk and one bike lane; and it was a goal of the city as well as the community to actually increase those facilities on the bridge itself. So that is the primary reason for the wider bridge. I think it is about 13 feet wider on the upstream side.

In terms of our analysis, we looked at the city's information. We determined it was the minimum necessary to achieve that purpose, which included the public facilities. And as you likely know, the law says that we can allow fill for this type of water-oriented use, which is a bridge and also includes these other facilities, the public access facilities.

Ms. Houlihan added: The only other thing is that to accommodate phased construction we have a minimum width we have to maintain for the various phases, so we are a little bit handcuffed and that is part of the driver too. So making sure that we can accommodate two lanes of traffic and then we are reducing to one combined pedestrian/bicycle path during the construction to minimize the width of the bridge as much as possible. But that assisted in the width consideration as well.

Chair Wasserman announced: I think that concludes our questions. Do we have a recommendation?

Ms. Michaels read the recommendation: On May 15th you were mailed a copy of the staff report recommending the Commission authorize the project as conditioned. These conditions will require the City of Larkspur to implement a variety of measures in carrying out the project, including the removal of fill associated with the existing bridge and also temporary fill; the provision of on-bridge public access facilities, namely ADA compliant sidewalks and bike lanes and implementation of ADA improvements at nearby public docks; the incorporation of construction impact minimization measures included in the authorizations of the federal and state resource agencies; the installation of seismic instrumentation equipment on the bridge; mitigation for temporary and permanent project impacts to tidal marsh; and the construction of a bridge that includes features to ensure resiliency to future flooding at the site.

Prior to concluding the recommendation, the staff report needs a few corrections to mirror the ones I mentioned earlier in the staff summary. That will happen on page 20 in the last paragraph of the staff recommendation and I will not repeat them here.

As conditioned, the staff believes that the project is consistent with your law and policies regarding fill, fish and wildlife, water surface area and volume, water quality, safety of fills, climate change, mitigation, public access and appearance, design and scenic views and navigational safety. With that we recommend approval.

Chair Wasserman asked: Has the representative from City of Larkspur reviewed the recommendation and are you prepared to accept it?

Ms. Houlihan replied: Yes, we are, thank you very much.

Chair Wasserman continued: Now I will entertain a motion to approve the recommendation as verbally amended.

**MOTION:** Commissioner Scharff moved approval of the staff recommendation, seconded by Commissioner Sears.

Commissioner McGrath commented: I am a retired civil engineer and we worry about bridges falling down. This is exactly right. There is a high degree of bicycle activity in Marin County. One of our former Commissioners was one of the pioneers of that. This is a beautiful bridge. It is done in a way which will improve water flow and reduce the impact to the bridge. It is very nice looking and it is going to be good for recreational access. I could not approve more.

Commissioner Nelson added: Just one comment. It is a particular pet peeve of mine when bridges have railings that do not allow the public to view the water when they are passing over, so I want to thank the City for making sure that that is not the case here.

**VOTE:** The motion carried with a roll call vote of 14-0-0 with Commissioners Bates, Gilmore, Scharff, Arce, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Zwissler, Chappell and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Chair Wasserman stated: It is approved. Thank you very much for the presentation and the hard work and the wonderful design. He moved to Item 11 on the Agenda.

**11. Commission Consideration of Assembly Bill 1323.** Chair Wasserman announced: Item 11 is a staff briefing and recommendation on pending legislation. Steve Goldbeck will present the recommendation.

Chief Deputy Director Goldbeck was recognized: The staff recommends that the Commission support Assembly Bill 1323, Marine debris: removal and disposal, introduced by Assemblymember Jim Frazier, which would streamline removal of marine debris from the Bay and state waterways.

Now, the Commission has heard several briefings regarding the ongoing problem of abandoned and derelict boats in the Bay and the problems they cause when they become fill. While there is a current process in state law to abate abandoned boats, it is cumbersome, time-consuming and basically impedes removal of marine debris and these abandoned boats. This bill would streamline that process.

The bill has passed unanimously out of the Assembly Natural Resources Committee and is currently on the consent calendar in the Assembly Appropriations Committee.

Staff believes that marine debris in the Bay and abandoned boats are serious problems that plague the Bay and the local jurisdictions trying to remove them, and therefore, the staff recommends that the Commission support AB 1323.

Commissioner Gilmore had a question: Just one clarifying question, although I'm pretty sure I know the answer to this. There are no funds associated with this bill in terms of helping local jurisdictions actually mitigate the impact of abandoned vessels.

Mr. Goldbeck agreed: Unfortunately, that is correct. But it still makes it cheaper for local agencies to deal with this problem, in part, because they do not have to take the boats and store them for a long period of time, so it actually makes their dollars go farther.

Commissioner Nelson inquired: I am just trying to understand one of the criteria included here. It says that "boats would be allowed to be removed and disposed of after ten days if" and the second criterion is: "the value of the boat does not exceed the cost of removal and disposal." Could you walk us through why that is the right criterion here?

Mr. Goldbeck explained: Well basically, if you can't get any benefit out of the boat by selling it, if it basically costs more to get it out of the Bay than it is worth dealing with, it is basically marine debris.

Commissioner Nelson continued: So in a case where the boat has some remaining value compared to the cost of removal then you are not able to move forward with removal as rapidly?

Mr. Goldbeck answered: Correct. What they are trying to do is make sure that expensive boats do not get taken out and then just trashed quickly, that you take the time to deal with it and maybe try to get the recompense.

Commissioner Nelson clarified: You make sure these really are derelict boats.

Mr. Goldbeck replied: Right.

**MOTION:** Commissioner Vasquez moved approval of the staff recommendation, seconded by Commissioner Arce.

**VOTE:** The motion carried with a roll call vote of 15-0-0 with Commissioners Bates, Gilmore, Scharff, Arce, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Ziegler, Zwissler, Chappell and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Executive Director Goldzband announced: On May 29th, Chair Wasserman will be testifying before Majority Senate Leader Kevin de León's committee, the Senate Environmental Quality Committee, on adaptation to rising sea level in the Bay Area. There will be a couple of state agencies; I believe some local governments and others who will be testifying. We are coordinating our testimony not only within the Resources Agency but also with other folks who are testifying.

Next month the Assembly Select Committee on Coastal Protection, which is being chaired by Assemblymember Scott of Scotts Valley, will be holding a hearing as well. I will be testifying before that one.

There is an awful lot of interest on the part of the Legislature with regard to adaptation, rising sea level and climate change. We don't really think much is going to happen this year but we think it is a two-year process and we will continue to keep you involved.

I just want to thank you for your attention to Steve's presentation two meetings ago; I believe it was, when we did the bill analyses, because a number of those are under consideration.

12. **Adjournment.** Upon motion by Commissioner Nelson, seconded by Commissioner Gilmore, the Commission meeting was adjourned at 2:50 p.m.

**VOTE:** The motion carried with a vote of 15-0-1 with Commissioners Bates, Gilmore, Scharff, Arce, McGrath, Nelson, Pine, Sears, Vasquez, Techel, Wagenknecht, Ziegler, Zwissler, Chappell and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Hicks abstaining.

Respectfully submitted,

LAWRENCE J. GOLDZBAND  
Executive Director

Approved, with no corrections, at the  
San Francisco Bay Conservation and  
Development Commission Meeting  
of June 4, 2015.

R. ZACHARY WASSERMAN, Chair