

San Francisco Bay Conservation and Development Commission

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TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: Approved Minutes of December 17, 2015 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the MetroCenter Auditorium, 101 Eighth Street, Oakland, California at 1:15 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Bates, Chan (Represented by Alternate Gilmore), Cortese (represented by Alternate Scharff left at 3:00 p.m.), DeLaRosa, Gorin (arrived at 1:33p.m.), McGrath, Nelson, Pine, Randolph, Sartipi (represented by Alternate McElhinney – arrived at 1:48 p.m.), Sears, Techel, Wagenknecht, Ziegler (represented by Alternate Brush) and Zwissler.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego), Department of Finance (Finn), Speaker of the Assembly (Gibbs), Contra Costa County (Gioia), U.S. Army Corps of Engineers (Hicks), City and County of San Francisco (Kim), State Lands Commission (Lucchesi), Solano County (Spering).

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 November 5, 2015 Meeting.** Chair Wasserman asked for a motion and a second to adopt the Minutes of November 5, 2015.

MOTION: Vice Chair Halsted moved approval of the Minutes, seconded by Commissioner Scharff.

VOTE: The motion carried with a vote of 17-0-0 with Commissioners Bates, Gilmore, Scharff, DeLaRosa, Gorin, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Techel, Wagenknecht, Brush and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

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

Chair Wasserman shared the following: Just to allay any comments I am happy to be here and I did have a new knee put in a week ago. I seem to be recovering very well.

a. **New Business.** Chair Wasserman asked: Does anyone have any new business to propose? (She received no comment).

b. **New Business.** (No comment given on this item)

c. Please note that we have a revised agenda, if you are here for the ART Portfolio briefing, that item has been postponed to our next meeting.

d. **Next BCDC Meeting.** There is debate as to whether or not we will hold our next meeting on January 7th or not. We will let you know very quickly whether or not we are going to go forward or not. At our January 21st meeting, here at the MetroCenter. At that meeting we:

(1) We will have a staff briefing on the ART Portfolio unless we have that on the 7th.

(2) We expect to have a staff briefing on the ART Shoreline Parks Project.

(3) A briefing on the California Water Fix; the new current name for the water tunnels coming out of the Delta.

(4) We will have a briefing on the Head of Tide Project by the San Francisco Estuary Institute on what high tides mean right now.

(5) We expect to have a staff briefing on sediment science.

This has been a period of great attention and activity on climate change. There was a successful meeting in Paris. There are some good things that came out of it. There was an agreement and this has some importance in this arena. There are at least some timetables and some clear and important goals coming out of it.

It is also very valuable and a good portent that there was significant corporate involvement in the discussions. The reality is that if we are going to make true progress on climate change and adaptation we are going to have a much higher level of activity and commitment from the private sector.

There was a report released this month by NOAA, their Artic Report Card. One of the problems that we have in this area is that many of the important things that are being studied and acted upon are being done in a piecemeal fashion.

The Report Card showed that ice on land as represented by the Greenland ice sheet experienced extensive melting again in 2015. Melting occurred over more than 50 percent of the ice sheet for the first time since the exceptional melting of 2012 and exceeded the average melting between 1981 and 2010 by 54 percent.

What that says is, the rate of melting is increasing dramatically. There was important discussion in Paris that if we all are able to meet the goals it will have a significant beneficial impact on melting ice and, therefore, rising sea level. It will not stop it.

To put it in an extreme position; the scientists have predicted that if we lose the Greenland ice sheet, this rate of melt says that you have to start thinking about it, if we lose it, we will ensure roughly 20 feet of eventual sea rise and if we lost the West Arctic, Antarctic ice sheet as well, we would see 80 feet of sea rise.

That is clearly disaster for which we cannot prepare. It says that we need to start thinking much harder about higher numbers if not that high, perhaps in the Jim Hanson range of the 10 feet.

My hope is that in 2016 this Commission will devote a significant amount of its effort in conjunction with its partners in coming up with a much more clearer and concise plan on what we are going to do about it. I think we need to be very clear about our goals. We need to be very honest with ourselves and the public about what needs to be done and what progress we are making.

The challenges are big.

We are going to ask that the meeting be adjourned in memory of three people. I am going to talk about one of them and that is Mary King who died this month.

Mary was a longtime Alameda County Supervisor, a very major player in this County and region. She was one of the leaders in the development of the New Bay Bridge. She went on to become Public Affairs and then actually Manager of the AC Transit District.

I had the honor and pleasure of starting to work with Mary King back in 1977 when we were both working for Lionel Wilson.

She was a great public servant and a great public leader. She will be missed.

e. **Ex-parte Communications.** If there are any ex-parte communications that anybody wants to report here, again, you need to report them in writing. I have been meeting with staff and having some conversations with people at Scott's over the Pavilion and the issues of public access there. Any other reports? (No comment was given) That will turn us to the Executive Director's Report.

6. **Report of the Executive Director.** Executive Director Goldzband reported: The rain has started and we want and expect more. The first King Tide has come and gone without anything more than the regular sort of impact, but we expect that the next one could be much bigger.

We are having huge staff turnover in December and are looking forward to new staff taking charge later this year and early into next. And, with Chanukah past us and Christmas rapidly approaching, along with all the rest of the religious and sectarian holidays, what a feeling of anticipation this all adds up to! Jane Austin was so right when she said that the expectation of happiness is happiness itself!

We are having something of a momentous December. Margaret Chew, our CFO, has elected to return to the Coastal Commission to fill a vacancy there. So, we are actively searching for a new CFO and Chief Budget Officer. Please let me know if you know of anybody that might fit the bill.

On the Monday after Thanksgiving, Chief Planner Joe LaClair submitted his resignation effective two weeks later, to pursue his dream of bicycling to work as the Planning Manager for the County of San Mateo. Joe's work for the Commission is visible in more places than the pages of the San Francisco Bay Plan and other policy documents. For example, along the San Francisco Waterfront, the Special Area Plan policy goals that Joe crafted 15 years ago have come alive with the removal of dilapidated piers, the creation of open space, the construction of new open space, such as the Brannan Street Wharf. We will miss his acumen, but we are pleased that he is now working for one of our great partners. We shall not fill Joe's position immediately – we are asking Gina Bartlett (who helped us with our Strategic Plan) to work with our staff to discover how BCDC can improve as a planning organization. I hope that we shall be able to hire a new Chief Planner during the latter part of the first quarter of 2016. Meanwhile, Steve Goldbeck and I shall be working closely with Lindy Lowe during the transition so that our planning staff both can carry out their regular duties spectacularly and contribute mightily to our future.

Even more groundbreaking, today marks the last BCDC Commission meeting at which Bob Batha will provide you with his outstanding analysis combined with his calm and patient demeanor. Bob will retire at the end of the year after 37 and a half years as a BCDC staffer. Bob started working for BCDC in April 1978. His exceptional work is visible throughout the Bay shoreline, whether you are walking along the wide boardwalk outside of the Giants' Ballpark, visiting the groundbreaking Sonoma Baylands, or at scores of other locations. We anticipate that we shall miss Bob's kindly presence and clarity of thought through very difficult and complex discussions. That being said, when possible we shall invite him back to conduct a series of trainings for BCDC staff. I encourage you to thank Bob now for his unparalleled contributions to the conservation and development of the Bay since his tenure started. (Applause to recognize Mr. Batha)

Chief Deputy Director Goldbeck commented: I would like to say that Bob has agreed to come back and help lead the Bobbie B. and the Shoreline Band Bocce team to ongoing victory and we thank him for that.

Executive Director Golzband continued: We shall also work to try and find an adequate replacement for Bob which, of course, is impossible.

Two quick items on people who are inbound now. We have hired Ethan Lavine as our newest permit analyst. Ethan is in the room somewhere so we would like him to stand up. (Mr. Lavine stood and was recognized) Ethan is a Diplomat from Franklin and Marshall College from which he earned his undergraduate degree and a Golden Bear as he earned his graduate urban planning degree from Cal. He formerly was an intern for BCDC working in the ART Program.

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Finally, on January 4, we anticipate that Hanna Miller will begin her BCDC tenure as a Coastal Program Analyst. She earned her B.S. in Integrative Biology at U.C. Berkeley and served as the Waste Audit Coordinator for Cal's recycling service helping the campus achieve its zero-waste goal by 2020. In addition, Hanna has worked in various labs at Cal, at the University of Washington, and at Scripps conducting research on, among other things, the Carnivorous Pitcher Plant, Zebra Finches and viruses. We anticipate a great relationship moving forward and I hope that you all agree.

You will remember that Baykeeper, the advocacy organization that concentrates on enhancing the Bay's water quality, appealed a Superior Court's decision that confirmed the State Lands Commission's EIR and public trust determination that enabled it to lease submerged Bay lands for sand mining. Since our last meeting, California's 1st District Court of Appeals has reversed, in part, that court's actions. Essentially, the Appeals Court ruled that the Lands Commission failed to comply with its public trust obligations by failing to consider whether the sand mining leases are a proper use of public trust property. We understand that at least one sand mining enterprise has filed a petition for review with the California State Supreme Court. In any case, the Court's decision in no way affects the standing of BCDC's permits. We shall keep you informed of future legal actions and, early next year, we'll have a briefing on the progress of the sand mining permits.

You have a packet of four interesting articles that I want to draw your attention to. The New York Times wrote a very interesting article which articulates that some of the more progressive conservation groups are arguing that, "for conservation to succeed [and I am quoting here]... it must work on a larger scale, focusing not on preserving single species in small islands of wilderness but on large landscapes and entire ecosystems and the benefits nature provides to humans." This will require landowners and leaseholders to become partners. While this idea is seen by some as controversial and just about everything about the Endangered Species Act seems to be controversial these days. Many conservationists believe that ESA is outdated and not as effective as it could be. That is why the State of California twenty years ago adopted a larger-scale approach known as the NCCP (Natural Communities Conservation Program). It will be interesting to follow this debate in the future and how it will affect the Bay.

Second, a one-page summary of El Nino provided by the United States Geological Survey. Between BCDC's webpage, the Governor's (which is at www.storms.ca.gov), and a plethora of other sources, I hope that you have been able to articulate to your friends and neighbors about the need to anticipate what might happen. And third, the Sacramento Bee op-ed does a great job of describing the link between El Nino and King Tides.

Finally, I would draw your attention to the article from a blog in the San Francisco Chronicle website that describes the progress of the flood control project at San Francisquito Creek which separates San Mateo and Santa Clara Counties. Our staff met with the Creek's project staff yesterday and we look forward to your considering the project during early next year. Dave Pine has been following this very closely and I thought you might want to take a minute to describe what you think we need to know about.

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Commissioner Pine commented: I serve on the San Francisquito Creek Joint Powers Authority which the governing entity which that is working on flood control issues in that area. The EPA situation is a great case study for many of the issues we struggle with.

It is a flood-prone area today. They were hit incredibly hard in the '97-'98 El Nino, tens of millions of dollars of damage. There is a lot of planning going into El Nino now. It is a disadvantaged community. FEMA has always included portions of the community in their hazard zone but the new maps are increasing the residents in those zones which is going to cost some people upwards of \$4,000 a year.

It is a complex geography. There is a 60 square mile watershed. We have essentially urbanized the natural drainage areas so it makes the flood issues so much more difficult. And then there are the tidal influences as well. There are many, many jurisdictions abutting the Creek. The JPA was formed after the prior El Nino and took a while to get its feet on the ground and has now emerged as an effective entity to work on these issues.

Solutions are needed sooner than later. The one that is closest is the Bay-to-Highway-101 segment. It would involve improving some of the channel and levees but also opening up some more of the marshland for restoration. This project's design was completed and funding was cobbled together which was incredibly difficult to do in October of 2012. But after two years, the permits are not issued.

It is also a case study in the need for all of us to think about regulatory reform. We have so much work to do around the Bay and the system needs to be made more efficient and more collaborative. With climate change it is not possible always to create or maintain the ecosystem exactly as it has historically been.

These are very tough challenges. After going through this now for a couple of years it does give me pause about how demanding it is going to be to put in place the grey solutions and the natural solutions that are required to protect our communities and to enhance our ecosystem.

This really raises all of the issues that we struggle with. On a more positive note, this project is being planned with sea level rise in mind. It is one of the first projects to do that.

There is a secondary project called, the Safer Bay Project which is a much earlier phase which would look at protection from East Palo Alto up through Redwood City and the FaceBook Campus. This would potentially include some of the new horizontal levees, some marshland restoration and some grey infrastructure. This is a nine mile stretch and may be the biggest sea level rise planning project underway currently. All the issues are being focused on in this very complex area.

Executive Director Goldzband added: We fully expect to get this in front of you in February or March.

Finally, I need to provide some not-so-pleasant news. We should recognize that two giants of the conservation movement in the Bay Area passed away earlier this fall. In October, former U.S. Representative Don Edwards of San Jose passed away at the age of 100. He began his political career after graduating from Stanford and working for the FBI. But, as President of the California Young Republicans while Earl Warren was governor, Mr. Edwards found himself moving toward the Democratic Party and was elected as a Congressman in 1962. He was recognized nationally as a leader in civil rights. We in the Bay Area also know about his constant championing of wetlands protection and creation. He led the federal government in such ways that the refuge that fronts his hometown was named after him 20 years ago. The area which is very close to the consistency determination that you will hear today is known as the Don Edwards Wildlife Refuge.

Last month, Putnam Livermore died at the age of 93. Mr. Livermore, a member of that important Bay Area pioneering family, graduated from Cal, attended Yale Law School and graduated from Boalt and specialized in conservation law before it became a recognized specialty. He co-authored "The Conservation Easement in California," which is still required reading in many classes today. Mr. Livermore was chairman of the San Francisco Republican Central Committee when San Franciscans still elected Republicans. His brother Ike was Governor Ronald Reagan's Natural Resources Agency Secretary for eight years – during which time Governor Reagan signed the legislation that created BCDC. Mr. Livermore may best be known as the co-founder of the Trust for Public Land and the first attorney for The Nature Conservancy in the western United States. Both of these gentlemen merit our thanks.

I apologize, but I have one more very short topic. On behalf of BCDC's staff, I would like to thank in the strongest way our Commissioners Brad Wagenknecht and Jill Techel. Two weeks ago, 34 of us took an educational field trip up the Napa River from Vallejo to better understand the groundbreaking Napa River Project and how the City of Napa has anticipated the project's very positive impacts on the downtown area. It was very educational, thought provoking, and fun. Thank you so much for your hospitality and your insights.

That completes my report, Mr. Chairman, and I am happy to answer any questions.

Chairman Wasserman asked: Are there any questions? (He received no comments) We will move on. The record should show that Commissioner DeLaRosa and Gorin have joined us. Item 7 is Consideration of Administrative Matters.

7. Commission Consideration of Administrative Matters. Chair Wasserman announced: We have received the listing of Administrative Approvals. Does anybody have any questions or concerns? (He received no comments) Once again, it is a smooth-running ship. Thank you Bob.

We will proceed with Item 8.

8. Public Hearing on and Possible Vote on the First Phase of the U.S. Army Corps of Engineers Phased Consistency Determination (C2015.006.00) of a Conceptual Plan to build 3.8 miles of levees and return approximately 2,900 acres of former salt ponds to tidal action adjacent to the San Jose Sewage Treatment Plant and the Community of Alviso in Santa Clara County. Chair Wasserman stated: Item 8 is a public hearing and vote of the first phase of a consistency determination for the South Bay Shoreline Study. This is a determination by the U.S. Army Corps of Engineers to build a series of engineered levees in the South Bay to provide flood control protection. Bob Batha will make the staff presentation.

Chief of Permits Bob Batha presented the following: On December 4th you were mailed a summary of the U.S. Army Corps of Engineers consistency determination for the concept plan arising from the South Bay Shoreline Study.

That conceptual plan calls for the construction of 3.8 miles of flood protection levee between Alviso Slough and Coyote Creek. In addition, the plan calls for placing approximately 1,240,000 cubic yards of fill to create a 30:1 ecotone slope along much of that proposed flood control levee.

That ecotone slope would provide additional flood protection, would create land at elevations suitable for marsh establishment and would allow the marsh to move inland with rising seas.

As one of the project goals is to open 2,900 acres of former salt pond to tidal action, a variety of restoration work is also planned, from lowering 80 percent of the outer salt pond berms to also dredging pilot channels, filling in ditch blocks and doing other work to promote restoration.

Finally, public access would be provided on the new flood protection levees and two large pedestrian bridges would be constructed; one across the Union Pacific Railroad and the other across Artesian Slough.

But to return the ponds to tidal action, large section of levees currently supporting trails will be removed and the project would result in a net loss of public access.

The staff believes that the project raises four primary issues: whether the project is consistent with the Commission's policies on fill in salt ponds, whether the project would provide the maximum feasible public access consistent with the project, whether the project is consistent with the Commission's climate change policies, and finally, whether the project is consistent with the Commission's policies on natural resources.

Here to tell you more about the proposal is Tom Kendall, the Army Corps of Engineers Chief Planner and Brenda Buxton who is the Project Manager for the Coastal Conservancy.

Mr. Tom Kendall addressed the Commission: We appreciate the letter that was most recently signed by Chair Wasserman. That was helpful. Unfortunately, we still have the highest person in our organization with his pen poised to sign what we call the Chief's Report; the prerequisite to congressional authorization.

He is still waiting to hear that the Commission still loves and accepts us even after we have put Bob Batha through one more staff report on this particular project. It is the same message all over again but this time we actually have a CD that has been presented and a staff report on that. Again, thank you for working with us on this. This is a phased review process that we are engaging in. You are really being asked to say not a whole lot more than what you already said in the letter in terms of being okay with the concept we are presenting you with. At this point that concept is informed by a phased CD submission. We will go through our materials here and thank you for your patience.

Ms. Brenda Buxton of the California Coastal Conservancy addressed the Commission: This is a map of the project area. The whole left side of this is Don Edwards San Francisco Bay National Fish and Wildlife Refuge. The right side is also part of the refuge, Ponds A16 and A17. Except for where we are building a levee, it is not part of the project. On the far right side, pond A18 is currently owned by the City of San Jose but will be acquired by a combination of the Coastal Conservancy and the Santa Clara Water District to provide the lands for this project.

This new map shows you where the various BCDC jurisdictions are. For the most part, most of the project site are former or current salt ponds. I will let staff speak to those questions.

Tom is going to discuss the flood risk management features.

Mr. Kendall continued: We are not going to go in and bring the tide up closer to Alviso without addressing the fact that it already has some flood risks and it needs to be addressed as is. By addressing it, it allows us to actually do the good restoration work that we want to do.

We have all these dikes on this property that were built up with dredged mud. They are highly irregular, erodible and thanks to Cargill's maintenance practices these have afforded some protection. Since 2002 these levees have been managed by U.S. Fish and Wildlife Service and they are subject to variable funding. The risk is more than what it had been. A fix is in order here.

We have talked about different alignments that could be used to protect the very subsided town of Alviso and the wastewater and water treatment plant facilities. We are highly constrained here. We are sitting between a wastewater facility that has got these sludge ponds. You really do not want to try and build on top of that.

Our Alviso North recommendation is the one we are presenting to you today. The other two alternatives are not as good as the Alviso North recommendation. Our chosen alignment is the shortest one in terms of total fill.

The height of these new levees would be 15.2 feet. That is what we call a locally preferred plan. The Corps considers multiple scenarios of what sea level rise might do over the next 50 to 100 years. Based on that scenario analysis, we only got up to 13.5 feet but we have two sponsors on this; there is the Conservancy who Brenda represents, and we also have the

Santa Clara Water District and in their capacity as the local sponsor primarily responsible for the flood risk components of the plan, the Water District has said, that they would like the levee height to be raised to 15.2 feet.

That 15.2 foot amount implies an extra increment of cost that they bear. What it does for them is under the highest scenario that we currently consider this would give them at least the FEMA-certifiable one-percent type levee for at least the next five decades. That is the reason the Water District has chosen that height.

We do have to be a little bit concerned in a couple of areas where closure structures would be necessary. We have to cross a railroad and we have to cross Artesian Slough.

At the railroad, we are proposing to come in with a flood gate. It gets closed when you have a flood.

At Artesian Slough, we are going to have to put in a tide gate which will be open the preponderance of the time. We are going to have full tidal circulation through there. When the tide gets high enough it would close.

Ms. Buxton spoke: The first thing that we propose to do after all the flood protection features are in place is to undertake environmental restoration. The very first thing for that would be building an ecotone.

Ecotone is a term that means a transition between habitats. In this case it is between the tidal marsh and uplands.

This is the biggest component of fill for the project. Out of the 138 acres of fill, 96 of it would be for the ecotone. You will see that half of it will be underwater most of the time. The ecotone would accelerate the creation of wetland habitat.

The other reason we want to do this is for the Salt Marsh Harvest Mouse. We need to provide a habitat that is broad, diverse, easy-to-get-away-from the high tides and storms and hide.

We also need a big, broad ecotone at a 30:1 slope as a bare minimum because of the uncertainty around sea level rise. We want to have room for the wetlands to go uphill.

This map shows the combined impacts for the ecotone and the 15 years of work to restore the wetlands.

The first ponds that would be restored are A12 and A18. A12 needs to go first because it is so deeply subsided. We would wait five years after construction to do an adaptive management program. This would be integrated with the Salt Bay Salt Ponds Adaptive Management Program because the same concerns that we have with the Salt Bay Salt Ponds Project apply to this project.

What are the impacts of converting salt ponds to tidal marsh? Does it harm small shore birds? Does it harm the populations of those bird species that use these ponds? These are the kinds of issues that we need to look at and make sure that we are not having a negative impact.

If all goes well, the next ponds that would be phased in are A9, A10 and A11. We are phasing these in over time and we have to build up the internal levees. They are virtually non-existent right now. To protect the rest of the ponds and contain the water we would need to build up the levees. This is probably where some of the levee lowering materials would go to build these internal berms.

The last set of ponds to be restored, again, if all goes well and the Adaptive Management Program gives us the green light would be this set of three ponds here on the screen.

There is a possibility that we could stop as we go through this process. We are hopeful that it will work out and someday the landscape will look like the image on the screen which is 2,841.74 acres of tidal wetlands.

All of the current public access is on the refuge. As we restore these ponds over time we would be bringing in the trails. The public access would contract inward as we build those temporary berms and then open the ponds up to tidal action.

We would also build a new trail along pond A18, along the Coyote Creek Levee and then up our haul route to connect with the bridge over Coyote Creek and then you would be able to access the Coyote Creek Bay Trail.

We also propose to build a bike connector out of BCDC's jurisdiction. It will be parallel to the freeway that would then connect with the Guadalupe River Trail. This would create a different big loop mostly on separated trails. There will still be a loop but it will not be around the ponds anymore.

We have tried to mitigate some of the impacts to public access by building connections to the regional trail network.

Commissioner McGrath inquired: Can you tell us how long it is and how much of it is new?

Ms. Buxton replied: This section here is 3.3 miles and this is 1.6 miles. Those are new. And the other new things that we are going to construct is a safe over-the-railroad bridge on top of the swing gate. You will then be able to go from the Alviso Marina over our nice beautiful railroad bridge that is going to cost \$1.0 million but have a great view, and go straight to the Ed Center. There will also be a bridge over Artesian Slough.

Mr. Kendal continued the presentation: These things cost money and we share those costs. We have to cost out by project purpose and we have different cost-sharing rules. We have this concept called a locally preferred plan where you have a non-federal sponsor wanting something above and beyond the federal recommendation. Sometimes that skews the cost-sharing percentages a little bit.

The other big example of that came out in the ecosystem restoration area where normally you would see the feds paying more like two-thirds of that cost as opposed to about one-quarter here. That is driven almost exclusively by the fact that our model was unable to show the value of the ecotone. We recognize that the ecotone is a good thing. We are glad that it is being recommended here. There was a cost-sharing impact associated with that which we are very thankful that the Conservancy was able to take on.

We always split recreation 50/50 and the flood risk crept up above the more tradition two-thirds, one-third where the feds pay two-thirds because of that extra height on the levee. The project cost is \$174 million. Of that, the feds are paying about 70 million.

This slide shows you our timeline. We hope to have a signed Chief's Report soon. That will hopefully open this up to authorization for construction and design dollars and then this is where we interact further with this Board. We will come back with our detailed designs and you get to see us yet again.

We are hoping that before 2018 we have concluded the subsequent phases of a phased review. We would then go into construction first and foremost on the flood risk features. Shortly into that we would also begin doing the ecotone because it comes right off of the levee. And then the first breaches would be ponds A12 and A18, the big ones closest to the levee. After some adaptive management in 2025 – 2030 we would do the final breaches.

Reiterating why we are here yet again, we are subject to the Coastal Zone Management Act. We would love your approval of our CD. This is a prerequisite to that Chief's Report signing. We are doing this as a phased process. You are being asked to approve our project concept knowing that we are going to follow up later with detailed designs. No construction is possible until the entire phased CD process is complete.

Here we are at the first stage and we are pleased that the staff recommendation support's approval. We will come back with the detailed designs. BCDC staff and the Commission will have a full opportunity to review these designs prior to completing the CD process.

At this point we will wait to see if anyone has questions of us.

Commissioner McGrath had questions: I assume that you have seen the letter from Libby Lucas which talks about levees holding the Bay back but sometimes they also exacerbate upstream flooding. I would like your comment on that. That may well be that this is a design detail to be determined at a subsequent stage. I want to make sure that you are aware of it.

Mr. Kendall responded: This is Alviso so that community is particularly adapted to the various issues you speak to there.

Commissioner McGrath added: Because it is below Bay level now it is going to get harder.

Ms. Buxton commented: My colleague Rochelle Blank from the Santa Clara Water District could not be here today. She will be leading the plan to address interior drainage. The City of San Jose is currently putting in an additional pump. There may be a need for more pumps because Alviso is a bowl. That will be part of the District's FEMA certification process. They have to have an interior drainage study to prove that it doesn't cause a problem.

Commissioner McGrath inquired further: And that is something that you believe can be handled adequately in a phased process?

Ms. Buxton replied: It is routinely done by the Santa Clara Water District as part of their flood prevention program.

Commissioner McGrath continued: That's fine. The other thing that is clear at this time is you have made a choice on the location of the levee and you alluded briefly to New Chicago Marsh. What impacts, if any, would selection of this levee have on existing circulation in that marsh?

Ms. Buxton answered: Right now one of the reasons we picked this alternative is we do not think it would have any impacts. What the refuge did a few years ago is that they went back and put a siphon from A16 under the existing levee into New Chicago Marsh. And that has already improved circulation. And then they have the pumps that pump water out to Artesian Slough. New Chicago Marsh has gone from very water-quality challenged to much better circulation due to the siphon. That siphon would not change.

If we put a levee between it that would change it quite a bit.

Commissioner Nelson inquired: Two other questions, one for the applicant and one for the staff. First is, I do not recall if there was any discussion of the source of fill. Given that we need to think about these kinds of approaches baywide, I was wondering if you could tell us what the source of fill is going to be. If I remember correctly it was about 1.25 million cubic yards of fill.

Ms. Buxton answered: Yes, at least one million. Right now the wastewater treatment facility is stockpiling BART tunnel muck that will be available to us. They have already tested it. We will probably do our own independent testing. That is a giant pile of dirt sitting there. We anticipate more material coming from the Water District's upstream work they are doing on dam reinforcement plus their regular channel maintenance work. This will be a big source of fill.

Another source of fill will be, berm material as we lower the levees to restore connectivity between the Bay and the ponds. We think we can get fill for free. The refuge is currently building up their levees a little bit getting free fill from local contractors; free clean fill that has been tested. That will be there as well to use. If the market goes down and construction stops, you cannot perfectly predict the future.

Commissioner Nelson directed a question to staff: This is a phased consistency determination. Have we done phased determinations like this and should we be thinking of this as something akin to a programmatic approval separated from project-specific approval down the road? I just want to make sure I understand how this phased consistency determination process works.

Mr. Batha fielded this question: I think this is the first time we have done a phased determination like this. We have done other consistency determinations with subsequent amendments. This is an actual deliberate phasing where there is a recognition that we are taking a very early look at the feasibility plan and that they will be coming back with more detailed plans so you can look at it through a finer lens.

Commissioner Nelson delved deeper into the process: And for the Corps you believe that this approach will make your Chief Engineers happy?

Mr. Kendall responded: I would like to believe that. Frankly, this is new. It has been an educational process all around. Having some action from this Board is better than no action. I clearly understand that a phase is the only action that we can really ask of you at this point.

Commissioner Nelson had a final comment: This is an issue that the Bay Fill Working group has been looking at. I wanted to make sure that it is clear to folks that we are talking about the placement of an enormous amount of fill in order to build that ecotone, that 30:1 slope levee. That is a relatively easy thing for us to approve because this is work that would be done inside the salt ponds before they are restored to tidal action which means they are subject to our salt pond jurisdiction not our open Bay jurisdiction.

If the Corps were proposing to do identical work on the outside of the levees we have different policies. That does not necessarily mean that such projects would not be approved by the Commission. It simply means that under our current policies we treat those two kinds of projects very differently.

I wanted to flag that because from my perspective, this is the right direction for us to go here inside the levees. It is easy for us to do this inside the levees. But as we start thinking about doing things similar in other parts of the Bay, they are going to be subject to our existing Bay jurisdiction.

Historically, that would have been a much more difficult permit for us to issue. That is exactly the kind of issue that the Bay Fill Working Group is thinking about. I wanted to make sure that people understood that distinction.

Commissioner Zwissler inquired: I have a couple of questions. The levee is at 15.2 feet above what or where?

Mr. Kendall replied: That is NAVD datum. The adjacent flood control levees on either side, they are at 16 feet. We are tying into those as our high ground.

Commissioner Zwissler had a question regarding engineering: Another question I had around the levees and their construction is; there is an enormous amount of time, energy and resources that is going into doing this. Is there some thought as to; are these engineered in such a way that they can be added to?.

Mr. Kendall replied: Yes. We can easily add about a foot. The footprint that we have here is sufficiently wide and the slope is very mild that it is muffin topped. There is no problem in getting a little taller given the mild slope that we are starting with.

It is only a little taller because we have the issue if we get above 16 feet we have a much bigger problem to solve and that is what heights are we going to line the rivers with.

Commissioner McGrath had a question of staff: I assumed that someone else would ask the Bay Trail or the public access questions. So this is of staff. I am not inherently troubled by the numbers. It looks like there is a loss of about seven miles on a perimeter trail. That is necessary in order to restore and this is not the only place that this debate has gone on.

What Brenda indicated is that they would add about five miles. It is a relatively small loss compared to the overall benefits of improving the Bay Trail.

Ms. Buxton stated: I have talked to Laura, the Bay Trail representative, quite a bit about this very early in the project. She is the one who said, what good is the Trail if people cannot get there? She said, make connections. That is what the Bay Trail is all about.

Commissioner McGrath continued: I know the benefits of safe trails. Does this reflect the existing adopted Bay Trail alignment or are there going to be some amendments necessary?

Ms. Buxton answered: I think they are going to need to amend it because I do not think they have anything in pond A18.

Commissioner McGrath continued: So we cannot give it final approval but there is time for that. That satisfies me, thank you.

Chair Wasserman commented: I very much appreciate what the Conservancy is doing here. You went over somewhat lightly the bridges and the improvement of the view. I think there is a relationship between quantity of public access and quality of public access. It is not necessarily a one-to-one relationship. In this kind of situation when you are getting better public access both in terms of connectivity and in terms of views and some other amenities making it more attractive, more likely that people are going to use it; that is part of the very reasonable tradeoff in numbers of miles. If we could do both it is wonderful. I think this kind of tradeoff is very important.

Is the money in place to do the monitoring?

Ms. Buxton replied: I do not think any of the money is in place. We do not have the money from the Corps yet. No.

Chair Wasserman added: I am not surprised and you should not be surprised when it comes back that we are going to be very concerned that the monitoring costs are fully funded. We have gotten into some other projects and we have seen the results where there was supposed to be monitoring and there was not the funds for that or there was dependency on uncertain federal funding. To some extent that is part of the reality. What we need to make sure that we do is learn productively from our mistakes and to the extent that we can, put pressure on the other, parties including the federal government, to make sure that those funds are in place so that nobody is kidding ourselves or, most importantly, the public.

This partnership is doing some very good things. I am appreciative that the local parties stepped up to make the local plan possible. The fact that the federal government did not is not something that they should be let off the hook on. It ought to be the normal percentage with heights that make sense given what we know is going to happen with sea level rise.

We very much appreciate that the Chief Engineer is watching us closely and is standing with pen in hand. We appreciate that responsiveness. We hope that there is a recognition that there will be some reciprocity in responsiveness to local needs as well as federal needs. I hope you can convey that message in a very positive way. We will be watching too.

Any other questions?

Mr. Batha continued: I would like to make sure that we note that we did receive one public comment from Libby Lucas.

MOTION: Vice Chair Halsted moved to close the public hearing, seconded by Commissioner Nelson.

VOTE: The motion carried with a vote of 16-0-0 with Commissioners Bates, Gilmore, Scharff, DeLaRosa, Gorin, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Techel, Wagenknecht and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Mr. Batha gave the staff recommendation: I recommend that the Commission concur that the conceptual plan for a 3.8 mile long flood control levee and associated ecotone marsh restoration activities and public access is generally consistent with the Commission's amended Coastal Zone Management Program for San Francisco Bay.

The Corps submitted this consistency determination because they need more formal Commission action to support congressional authorization for the funding of this project.

This consistency determination is unusual in that it is for the first phase of a phased consistency determination only and is based on a project feasibility study.

Many important project details have not yet been developed. When they are developed, some project elements may raise issues and potentially conflict with Commission law and policies. But in a phased consistency determination the Corps recognizes that they will have to return to the Commission perhaps several times in the future as project details are refined and a buildable project takes shape.

The staff recommendation flags some of the issues and the additional information that we would like the Corps to address in subsequent consistency determinations in Finding A of the staff recommendation.

The Commission will have at least one more opportunity to review the project and assure that the project to be built is consistent with the Commission's law and policies.

And with that I would be happy to answer any questions.

Chair Wasserman asked: Are there any questions? (He received no comment) Seeing none, has the applicant reviewed staff recommendation and do you concur with it?

Mr. Kendall replied: Yes.

Chair Wasserman continued: With that I would entertain a motion to approve.

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

Commissioner McGrath commented: I agree with the motion and I agree with the minor diminution of public access at a conceptual stage. I think that the Chair's comments that the ability of the overall program to improve dramatically the north/south Bay Trail is part of that consideration. I would like to see it in the findings. I am always worried when there is a diminution and it may be used in the future. I think there is an additional habitat reason. We are engaged in massive restoration of habitat in areas where the remoteness of that habitat is actually very important for its successful recovery.

In those cases I think it is appropriate to set the public access back from the most sensitive habitat. I do think it is important that we recognize in some way those things that distinguish that; that there is substantial improvement in the connectivity, the loss itself is minor and the public habitat needs are very sensitive in this area and there are many areas in the Bay where the issue is brought up where they are not so sensitive. Ideally I would like to see those incorporated into findings to provide future guidance.

Deputy Attorney General Chris Tiedemann commented: Commissioner McGrath this is not a permit vote. There would need to be a motion to condition the consistency determination with what you referred to as findings.

Commissioner McGrath stated: Oh, I'm not going there.

Chair Wasserman clarified: I think he meant more the record should clearly reflect. I appreciate that and one comment along the same lines that I did not make and intended to; you talked clearly and effectively about the ecotone putting fill in the Bay in order to accomplish the purposes of restoring habitats and the other purposes of the Bay. I think we are all aware but need to articulate that this is going to be increasingly the case. When we talk about not filling the Bay any more than is absolutely necessary, what constitutes and enters into the determination of absolutely necessary is different today than it was 15 years ago and will continue to evolve.

With that, I need a roll call on this.

VOTE: The motion carried with a roll call vote of 16-0-0 with Commissioners Bates, Gilmore, Scharff, DeLaRosa, Gorin, McGrath, Nelson, Pine, Randolph, McElhinney, Sears, Techel, Wagenknecht and Zwissler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.

Commissioner Nelson had a post-vote comment: I just wanted to connect two things together. The first is this vote and the second is our adjourning in memory of Congressman Don Edwards. I had the pleasure to work both on the expansion of the refuge and with Congressman Edwards who was a remarkable gentleman and a really farsighted public servant. The reason we were able to approve a project like this today that both increases the health of the Bay and increases the protection of citizens around the Bay is because of the farsightedness of the Congressman. We do not often get to leave that kind of a legacy for the Bay Area, a very tangible example of what the Commission stands for, the protection and development of San Francisco Bay. And the Congressman was the leader of that effort. I wanted to make sure that we made that connection today.

9. Briefing on the ART Portfolio. Item 9, the ART Portfolio briefing was postponed.

10. Briefing on the Climate Readiness Institute and BCDC. Chair Wasserman announced: Item 10 is a briefing on the Climate Readiness Institute and BCDC. The briefing will be by Bruce Riordan and Professor Kristina Hill CRI's work regarding climate change adaptation in the Bay Area and Professor Hill's project to analyze various rising sea level resilience projects along the Bay shoreline.

Mr. Riordan addressed the Commission: I am going to sketch briefly an outline of the Climate Readiness Institute which we have launched at U.C. Berkeley. Kristine is going to talk about a project that you will be very interested in as one of the first CRI projects around sea level rise.

This slide summarizes the substantial and serious impacts from climate change that we are seeing in the Bay Area and that we are going to see much more of. The impacts of that climate change will have actual real-world effects on human health, the built environment and on natural systems. They will be serious, substantial and growing.

About three years ago Will Travis and I were both working for the JPC, the Joint Policy Committee. We looked at groups involved in climate change and adaptation and it was close to 100 than the six or seven that are represented here. We have many more groups working on this than we did five years ago.

We also saw that there was increasing interest in climate change and an increasing amount of research being done about climate change at our universities here in the region. The problem that we saw was that with some good exceptions they were not working together.

We have fabulous, world-class universities here and terrific climate practitioners in the Bay Area but they were not working together nearly as much as we thought would be helpful.

Given the problem and how serious the problem is we thought we should go pay a visit to Berkeley and to Stanford which Travis and I did and try to interest them in working with the public agencies and non-profits and all in the Bay Area on climate adaptation and focus on the nine county region here.

Berkeley bit on it in a nice and substantial way. Stanford was interested and is still interested but did not jump for it.

We were asking for help but what Berkeley does is create centers and create institutes. What we immediately launched into was the creation of what is now called the Climate Readiness Institute headquartered at Berkeley but involving Berkeley Lab, Davis and Stanford and funded by Berkeley and Berkeley Lab.

We are now up and running for almost a year. I am the Program Director. Bill Collins and Andy Jones at the Lab, two great climate scientists are our Executive Director and Deputy Director. We are doing five things.

We are a research platform where we bring practitioners and academics together for joint research work. We are a matchmaker. We are not going out and finding money for big research projects but trying to match needs of local cities and counties in the region with resources that are on campus. We are a convener. We can bring together and are bringing together groups to talk about difficult climate issues in the region. We are acting and starting to act more as an information center and as a translator of research and a guide to research that planners and others in the region need. And we are building the future. We are training the students of today to be the climate leaders for the Bay Area in the 21st Century.

This slide shows the five topics that we are focusing on initially with CRI. These topics are, sea level rise, water and drought, water supply, impacts on natural systems, on ecosystems in the region, impacts on health and then some kind of a catch all of cross topics and especially looking at the kinds of projects that will get at both adaptation and get at GHG reduction, the emissions reduction.

On sea level rise Kristina will talk about our first funded CRI project. She will also talk a little bit about Mark Stacey's project that he is leading, our second one on sea level rise that involves the intersection of coastal infrastructure, transportation networks and governance.

We are doing webinars. USGS we found out is creating a socio-economic layer to go with the COSMOS model which is the physical model for what happens in the Bay that you are familiar with. We said, well, would you like to talk to some of the practitioners, some of the planners, some of the sea level rise people working at cities and counties to start with before you go too much further? And they said, great. So we put a webinar together because that is our purpose, bringing academics and other scientists together with practitioners so that they can give them input on projects and project design as we are starting out.

We have done conveyances on drought and water with people at Berkeley and water agencies in the region.

Our matching service has done our first pilot program with the city of Berkeley where we identified with staff at the city of Berkeley an interest in groundwater and an interest particularly around extended droughts, how groundwater could be helpful in that city and how could it be helpful as an alternative resource post-disaster, post-earthquake or other major storm or something.

Without finding money for this these are the short versions of CRI. There is a professor in civil engineering on campus who wanted to do a project on groundwater and we gave them the city of Berkeley to work with and they are working up their findings right now.

We have got a project starting in January on carbon sequestration which is becoming a hotter and hotter topic at the state level and here that will be looking at carbon sequestration potential in wetlands, range lands and forests in the Bay Area.

We have convened a health working group to start looking at the health and climate issues with health departments in the region. We are trying to see what kind of research we can scope from that.

And finally, on cross topic we will be starting in January our fourth funded project, a multi-year project on regional downscaled climate modeling being done at the Lab that will get at urban heat island issues in the Bay Area, get at fog issues and some of the big issues we have around modeling as to what is going to happen here in terms of heat moving forward in the Bay Area.

We did a webinar looking at different subjects. We did a webinar on the Under 2 MOU with Ken Alex from the state just before Paris to see how California was going to be using this fabulous Under 2 MOU at the Paris talks. And now we have 123 signatories to this agreement amongst sub-national states and cities around the world who are pledging to reduce their emissions significantly.

That is where we are. We have focused this first year on projects, on getting things on the ground that we can point to and talk to funders about.

This next year we are going to take a bit of a step back starting in the first quarter of 2016 to do a bit of strategic planning now that we have a better sense of where we could go, about where we want to go in the next three to five years, create a more formal structure for CRI. We have an interim structure now; find out where we are going to be housed permanently. We are on campus now but that is a question.

We want to do some significant fundraising for operational funds. We are thinking about a project on research gaps in the region. There is a lot of research going on but not a lot of really a gap analysis that has been done.

We are thinking about a 2, 4, 6 project. This is somewhat inspired by the Owl Project in Marin. How could we create visuals for the Bay Area of what the Bay Area would look like if we can hold global warming to two degrees C or if it goes to 4 where we are headed or even to 6 and really provide visuals for people so they can start to understand that these are not just numbers but these are choices about our future.

And finally, you probably have seen a couple of things in the papers in the last few weeks about some major new initiatives with the University and I have listed three of them here. There is a big program now system-wide to create a carbon-neutral university by 2025. Secondly, there is the Bill Gates lead Breakthrough Energy Coalition which is a series of private-sector folks and the University of California at Berkeley is the one university sector participant at this point and this rather major and well-funded new partnership that has just been announced between Berkeley, Berkeley Lab and Tsinghua University in China on climate and energy partnership issues for China.

Those are some of the things that we hope to be involved with the University as we move forward. I will turn it over to Kristina that has a fabulous project that we are developing.

Ms. Hill presented the following: I am going to talk about two types of mapping. When I talk about mapping strategies for adaptation to sea level rise most people imagine a map of watersheds contributing to Lake Merritt in Oakland. Lake Merritt is not really a lake. It is a tidal inlet especially since the Measure DD funds allowed the tide gate to be opened and the channel to be opened wider to Lake Merritt.

We were looking at Lake Merritt as an example of thinking about how adaptation strategies to sea level rise could be applied in urban areas and as a way of understanding how water flows work in urban areas.

One of the big changes in this area of Oakland was the opening of the channel to a greater extent. And if that channel is kept open then sea level rise will be a bigger issue in the interior of the city of Oakland.

With sea level rise as expected BCDC's jurisdiction might extend into downtown Oakland if the channel is left open.

I will show mapping in the sense of strategic mapping. This type of mapping shows solution space where we look at ideal types and look at the options that this describes. In this diagram the ideal types are set up by the percent of the project which is static components, things like walls and levees, the percent that is dynamic where wetlands and beaches might be considered dynamic components as well as the movable structures like moving tide gates and various kinds of dynamic barriers, and then the percent of walls, things like concrete flood walls and the percent of land forms, everything from berms to beaches.

So within this Cartesian space along these two gradients I think it is possible to actually arrange almost all of the types of adaptation infrastructure that people are considering in building around the world, everything from the sea walls and flood walls including things like concrete highway lids that are basically walls with roofs that allow roadways to pass next to waterways, dynamic walls, tide gates like the Thames barrier or the conventional tide gate along the waterway that the Army Corps might have been referring to in the last presentation, temporary walls, people set up in cities like Colon and Germany where they know in advance that a storm is coming and they run out and put up aluminum wall segments that have waterproof gaskets between them. So there are temporary walls and permanent ones but they could be dynamic. Then dynamic landforms including beaches and wetlands, sand dunes and other kinds of forms and the static land forms that are familiar to most people, the levee along with new landforms like the super dike which is a much wider levee and then mounds and breakwaters.

What is useful to me about this is that people want to talk about barriers and not wetlands. The public is not keeping up about how wetlands could serve valuable purposes around the Bay for adaptation.

The Bay has different segments driven by wind exposure, water flow from the land and we have to figure out how these different adaptation strategies would map onto our geography as well as onto a strategic solutions space.

We have to actually map these to the vulnerability level of different urban districts and the vulnerability level of different ecosystems or contaminated landscapes that we are trying to maintain as stable along with sea level rise.

There is a question of pairing all of these strategies with what is actually on our existing shoreline. I wanted to give you an example of mapping in this kind of strategic way.

I mapped the winning proposals from the BCDC competition in 2009 using the diagram that I have developed. You can see that the winners mostly ended up on the edges of this diagram and included pieces that were static, walls and static landforms and one very dynamic proposal for a barrier under the Golden Gate that would be raised and lowered as needed.

This slide shows a recent workshop in May that SFEI and BCDC ran together talking about sediment policy, the fill policy. And you can see here that strategies were discussed in the static end of the diagram but also in the dynamic end of the diagram on the landform side.

I was happy to see that what is happening is that we are considering strategies more in the lower part of the chart where we are using landforms which may be easier to build on without needing to replace major structures as sea levels rise. It is easier to add to and adapt rather than have to completely replace as we do with most concrete and steel structures.

We can use this diagram in workshops. You can ask participants to think about how we can use of these different sets of adaptation strategies in their cities. You can use it as a way to prompt people to think beyond some of the conventional engineering strategies of levees and flood walls.

I will close with that but if you could imagine this diagram being used not just to map one workshop's set of ideas but to actually track over time and maybe in different counties of the Bay Area or other divisions of the Bay Area what kinds of ideas have been considered, it would help us identify pilot projects that have not been considered yet and help people who want to be, quote/unquote, early adapters; try some pilot projects that will contribute to our overall knowledge base.

Thank you for the opportunity to tell you a little bit about that project.

Mark Stacey is thinking about how these scenarios that I am mapping in a diagram, how we could apply them in specific locations to talk about their protection level for transportation systems in particular and then model using the COSMOS model how these different adaptation strategies would actually alter the future for protecting our transportation system. He and I are working quite closely together to try to figure out how to combine our knowledge of adaptation strategies as an expansive set and also the modeling piece that Mark is doing specifically related to transportation.

Mr. Riordan added: Each of the four projects that we currently have will have different partnerships involved. For some of these projects like the carbon sequestration project that I mentioned we sat down from the very beginning and designed the project together, practitioners, the client, academics. And in others we start with the funding process and we go through that within the staff of some funder, one of the funders and then we'll pull practitioners in. There are going to be a variety of these partnerships works. We are excited about it because we found at Berkeley people like Kristina and others who really and genuinely want to work with us in the practitioner world to improve and make the Bay Area the place it needs to be.

We look forward to working with BCDC staff on these two projects and on the next things we are doing.

Chair Wasserman asked: Any questions or comments? He recognized Commissioner Nelson.

Commissioner Nelson was intrigued by the unexplored solutions facet: I am intrigued by the concept of unexplored solutions. Could you talk about how we might explore whether there is anything to be found with that unexplored solutions space?

Ms. Hill replied: The idea of the solutions space is to increase our creativity and our willingness to look at diverse solutions and how they can be hybridized, used together. We are not talking about and either/or of concrete solutions or landform and dynamic wetlands solutions but rather combinations.

I hope that the diagram will be possible. Once I show what we have already done around the Bay Area and what is already on the proposal on the table to be potentially built, we will be able to see where the gaps are; where there may be opportunities to add new hybrids so that we are not talking just from the conservation community or just from the development community but really seeing how the two can come together. As this Board knows well, that is a really valuable thing.

Executive Director Golzband commented: What Kristina is doing is important in and of itself. We will learn from her projects and the Bay Area Regional Collaborative or BARC will learn from her projects and it will spur other things. Her work with Mark Stacey will help to figure out how the Bay really works. This is incredibly important.

I will preview the next agenda item by saying that one of things that I have talked with professor Hill about is using her students in a way to help BCDC in another way which is that one of the things that you will see as we look at the Strategic Plan progress is that we have a work plan that Brenda Goeden and I have finished, at least in part, on activating public spaces.

One of the really interesting things about it is that we really do not know what those public spaces look like at this point or how well they are used.

We are going to professor Hill and asking her, is there a graduate student project in this over the next year or two or however long it is to get shoe leather out there to actually go out and figure out a way to categorize and use a protocol to actually understand how public spaces exist and are being used. As I asked that she said, and are at risk in the future.

What she is doing now in her project could very well lend itself in a type of analysis to another kind of BCDC project which is looking at activating space that BCDC requires for public access.

It is another way that we could use that kind of rubric to try to educate ourselves and educate ourselves moving forward.

Chair Wasserman continued: Thank you very much. I look forward to hearing from you a lot in this coming year. That brings us to Item 11.

11. Commission Review of Progress on the Commission's Strategic Plan. Chair Wasserman announced: Item 11 is a briefing on progress on our Commission's Strategic Plan. Our Executive Director will make the presentation.

Executive Director Golzband presented the following: In your packets in this memo that has a spreadsheet on the second page. Based upon the Chair's request we will give you a deeper dive into the five parts of the Strategic Plan that our staff is trying to work on so that we can move forward on these five things.

Last year I said we need to limit what we work on. So we agreed that these would be the five that would be worked on.

The first is education and outreach. I decided to steal what I saw at the 24 Hour Fitness in Moraga. This club is working on a plan and they have three or four things that they want to do and they put up their progress for everyone to see. I just took it from them. They said, what are the issue that are being raised, what are the resources that we have, what is the progress that we are making, what are the roadblocks that we are facing and what are the next steps.

I looked at Steve and said, let's just copy this; and, so we did. It really makes it easy for people to understand how we need to look at things.

On education and outreach the whole purpose is actually to educate the public about what we are doing and how we are doing it. Some of the issues are really very basic which is that for years and years there really has not been one true message about what BCDC does. We know what BCDC does and it has been communicated in various parts but there has not been for 50 years one consistent message that has gotten through.

The key is, what should our message be and how do I identify a target audience based on that? What we really need is a PIO, a public information officer because you are looking at the public information officer. The previous public information officer is sitting right back there. And Travis did an amazing job at getting the word out. The key is, how do you build upon what you have done and how do you consistently do it?

This past fall BCDC has received as much or more attention and the Bay has received as much or more attention than it has in years not only due to the fact that we had a 50th but because of the Baylands Habitat goals, because Caltrans decided to blow up a pier; I mean, there are all sorts of reasons that do not really have anything to do with something that we did but that we were part of.

The question is, how do you capture that and actually make it larger?

Our resources are great. Nobody knows the Bay better than our staff. And nobody knows how to talk about the Bay as well as our staff. We have ART. We have our website. We have you who have learned an incredible amount throughout your tenure here and you talk about it all the time.

So how do we take advantage of growing public interest? You have to have a work plan which we do. You have to target your audiences, develop an outreach plan and do you go to the people who already know something or do you go generally and try to educate them about things?

How do you review what already exists? What is the roadblock? Well, we do not have many people and we have a shortage of available funding. You will always see that as a roadblock. We have to deal with that.

The next step is that those staffers are going to come to senior staff and the management team and say, this is how we want to proceed. We will work through that.

Adaptation is the second one. We need to partner with a variety of stakeholders to develop a Bay-wide understanding of nature-based adaptation solutions. One of the things that our staff is really good at is relying on the willingness of external stakeholders to help us. As a result we have an awful lot of many and varied partners and there is no lack of interest. We are meeting with folks and you can see the list of issues that we have been talking through and that we have been working through. You also see that we have Commissioner working groups and staff meetings and so on in which we continually deal with these issues.

And the real roadblock is that there are so many issues and there is so little time. You end up having to really prioritize. What we really need to do is try to create a little bit more staff flexibility to try to figure out how we deal with this.

That is one thing that Lindy Lowe and Steve and I have talked about as part of the transition as Joe left is, how can we use our staff in a little bit different way, become a little more flexible, and make sure that the regulatory folks and the planning folks are working together more and more conveniently so that we can learn from each other so that our policies reflect more on the ground things that our regulatory folks see every day and that our regulatory folks have a real good understanding of what the policies are and whether they can work and so on and so forth.

That is actually going along very, very well and you will see as we move through the next quarter how the transition works and how we try to change things and we adapt through that transition so that the next chief planner has before him or her a real good set of understanding about where BCDC wants to go. It is not tied up in a bow. That person will have a real impact on how it is done.

You just heard me talk about going to Kristina. How do you inventory and evaluate all this public access that BCDC has required over the past 50 years? We have a pretty good idea about how to do it. The question is; who does it? We have 43 or 44 people on staff and you cannot have three of them out every day in order to try and figure out where along the Bay you should be and how to categorize it.

As Kristina said, it is a great graduate school project. It is more than just one person. The question is; how do you develop a system that Kristina's folks can do to provide the shoe leather to actually go out and categorize and use the rubric that she develops to tell us what we actually have and the best ways that we can activate it or suggestions about the best ways that we can activate it especially in light of rising sea level.

Berkeley has demonstrated their interest. It will require some resources but we can deal with that.

The fourth one is the old chestnut as an old boss of mine used to say. The problem with old chestnuts is they do not taste very good and you spit them out and you never want to deal with them again. That is using better technology.

Welcome to the state of California. How do you develop and implement an IT plan that enables staff to work better and more efficiently and how do you make sure that actually helps the public understand and help you do your job better?

What do we need? Well, first of all you need adequate training on what you have. And then, you need to figure out how you actually get greater accessibility to what you have. And then, you have to figure out how you are going to increase the ability for you to do that.

We have great staff expertise. We are very much limited. Things cost money. We have one thing going for us in huge way. We have an open position on staff called, records manager. It is funded. We should be able to figure out using that position how we can best move along.

The good thing is as one of the program participants told me in a very candid conversation, nobody is totally bummed out yet. I cannot tell you how good that made me feel because, candidly, it is really easy to get bummed out when you are dealing with the state of California in trying to improve your technology. It is hard. It is hard for all public agencies.

We had the Department of Finance in for a field visit last year and I made sure to take them around and show them our card system which we use in order to find permits. We have two or three big permit rooms and we have card catalogues that are alphabetized by the name of the permit.

When you are starting from there it is easy to get, bummed out. Our folks are not. They are really pretty positive about this. We have a Chief Deputy who understands this and can work hard with these folks. We need to develop how we train and implement and how we not over-promise and not under-deliver. It is hard to do but we are developing an internal plan and that will then lead to a submission to the California IT folks to get approval to something. You have to go through that process. That is where we are heading.

Finally we have enforcement. You need a systematic and data-driven enforcement strategy because otherwise you will flail around because there is just too much to do. You need to be able to prioritize.

What we have done so far is actually figure out, ok, we have to prioritize. That is not an easy thing just to figure out. And then Adrienne Klein who is our head of enforcement said, hey, we are very luck. The husband of a former staffer is an expert in Lean Six Sigma. Let's see if we can use him. He allowed us to use him for free. We are receiving assistance from him. We are reviewing the enforcement process and we are about to have a meeting in January to dive down deep about how you determine what to prioritize and how to prioritize.

Kristina had a matrix in front of you with two axes and four quadrants. I think of enforcement as having two axes and four quadrants. The two axes are cost and value.

What you want to do is you want to find out what the most valuable things that you want to do for the Bay in terms of enforcement at the least amount of cost and that is what you concentrate on. We are going to work through that system to figure out how we are actually going to prioritize.

In our enforcement system we have approximately 176 cases. A lot of them are over a decade old. To say that a lot of them are stale is not just an understatement it is an insult to Wonder Bread because who knows what has happened in the past 15 years in terms of what has happened since we actually got the problem sent to us.

What we need to do is to develop and implement a new prioritization process. This way we can complete our understanding of pending, unstarted and cold cases and then we go to people like John Coleman and David Lewis who want to make sure that the good actors are rewarded and the bad actors are not rewarded and get their buy-in on this system and move forward.

Those are the five big issues that we are working on. Let me tell you how we are working on them and then I will be happy to answer questions.

We have used over the past six months a lot of staff time after staff meetings for an hour or two at a shot every week or two to put these people together and have them think through things and ask questions.

We are now at the point now that they all have work plans to try to figure out how we can actually use current resources to help them get through the process in a different way than that.

As soon as we get this year's budget figured out with the Department of Finance, what I have said is we want to make sure that we allocate a certain part of our general fund to that because we need to make sure that there are resources to get these projects done. I am not talking about capital costs. I am talking about staff time. This is what we will end up doing in preparation for next year when we take a look at the Strategic Plan in total.

That is the report and I am happy to take any questions.

Chair Wasserman inquired: Questions? Comments? One item which at some level is embedded throughout here is probably worth making explicit in some fashion that is part of our Strategic Plan is succession planning.

We have recognized that we have had an aging staff and that there will be changes. We are taking actions on it. I think it needs to be on here because I think it is a critical piece of what we are doing.

Executive Director Goldzband added: I think it is really important to say something about that because with Bob's impending retirement, with losing Ming, with losing Michelle Levenson, with the need to actually increase the size of the regulatory permit staff; we have had a huge amount of churn over the last two and a half to three months.

We have asked Bob to take more vacation because that will enable me to write a smaller check at the end of this year. It is a lot of money in terms of how much we are leaving on the table there.

The point is, as Brad has gone through the system to rearrange and hire new people he and Jaime who is the senior permit analyst have talked a lot about the kind of people they want to hire.

What I have said is, remember, we are not hiring coastal program analysts ones or twos. We are hiring future Bob Bathas and future Brad McCreas. I think they have done a really good job in doing that.

I think from that angle we are much better off than we would have been four years ago. We will end up doing the same thing along the planning side as we go through the process of deciding how we want the planning department to be different and how we then hire the replacement for Joe.

I have had more than one person come up to me and say, well, you know, we do not like to see Joe go, that is the lemons, but here is the lemonade, and the lemonade is in great part that the planning department will change because you will have a new person and we and the regulatory folks want to be able to work more closely with the planning department. The planning people want to work more closely with the regulatory department. It allows you to think differently about how you have people put together in teams.

Chair Wasserman continued his commentary: We do not have enough resources. As we go through the process of figuring out how better to do things we need to do some serious thinking about how we prioritize who we hire and what we resources for.

I think one of the most important resources we do not have is that public information officer. There is a lot of messaging that we need to get out there. If we do a more effective job of that ultimately that will help our resources in a broader sense.

Executive Director Goldzband added: It is really important to think about that. You should know that one of the things that we talk about a lot in senior staff especially with regard to the regulatory and admin side of the house is that as Brad said, we do not a bench. We can't let somebody rest for a day and bring in a replacement to do the work.

When you lose somebody that takes away some of your capacity and the churn really causes issues.

Vice Chair Halsted commented: I do think that it raises the importance of gathering together with the other regional agencies some of whom have more capacity in some of these issues than we ever will. That is an important thing to keep on our agenda and I hope that next year we can make progress in that direction.

Commissioner Zwissler asked: Larry, are you constrained either by state rules or whatever; do you have to fill the positions with the current structure or can you shuffle things around?

Executive Director Goldzband replied: We have some flexibility. We have a certain number of boxes that we can fill. We can hire more people than there are boxes but those people go into the blanket. They are underneath the blanket so you are not supposed to see them. You are definitely more constrained.

You have to realize that one of the reasons you are really constrained and this is a real issue; half of our people are represented by the Union. They are in union positions. As a result, the work rules are such that, and they should be, they are protected. It is not as though you can Willy/Nilly move people around.

Commissioner Pine commented: I just wanted to second Anne's comments. Hopefully, the co-location will give rise to some position sharing. There are going to be a lot of information officer type of people in that building.

Executive Director Goldzband responded: We know we are not going to be in the Governor's budget for the move. We had a great discussion with the Department of Finance about the move. They are very seriously talking with the Department of General Services to educate themselves about what we told them. That shows us that they truly are interested and get what we are saying from both a policy as well as a fiduciary perspective.

Should it come to pass that they actually buy our argument we would then be part of a spring finance letter that would go through the May revise and be able to be put in the budget.

Chair Wasserman asked: Any other comments or questions? (He received no comments) We will be revisiting this issue as we move forward in the next year. With that, I would in a moment entertain a motion to adjourn in memory of Don Edwards, Mary King and Putnam Livermore. As we face the challenges we face we will remember them. As we overcome the obstacles that we will overcome we will remember them. With that I would entertain a motion to adjourn.

12. **Adjournment.** Upon motion by Commissioner Pine, seconded by Commissioner Nelson, the Commission meeting was adjourned in memory of Don Edwards, Mary King and Putnam Livermore at 3:18 p.m.

Respectively submitted

LAWRENCE J. GOLDZBAND
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission
Meeting of January 21, 2016.

R. ZACHARY WASSERMAN, Chair