

San Francisco Bay Conservation and Development Commission

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September 13, 2019

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)

Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Approved Minutes of September 5, 2019 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Board Room, First Floor, San Francisco, California at 1:05 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Ahn, USACE (represented by Alternate Galacatos), Butt, Chan (represented by Alternate Gilmore), Gorin, Lucchesi (represented by Alternate Pemberton), McGrath, Peskin, Pine (arrived at 1:11 p.m.), Ranchod (represented by Alternate Nelson), Randolph, Sears, Showalter, Sperring (represented by Alternate Vasquez), Tavares (represented by Alternate Nguyen), Wagenknecht and Ziegler. Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego, Techel), Santa Clara County (Cortese), Department of Finance (Finn), Contra Costa County (Gioia), Governor (Vacant) and Secretary for Resources (Vacant)

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

No members of the public addressed the Commission.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the August 1, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of August 1, 2019.

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

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Ahn, Butt, Gilmore, Gorin, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Wagenknecht, Ziegler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and no abstentions.



5. **Report of the Chair.** Chair Wasserman reported on the following: At the national level mitigation and taking the steps to reduce greenhouse gas emissions is going to take precedent over adaptation. And all of us are engaged in that but here locally for us BCDC in particular; adaptation to sea level rise does need to take precedence.

It is woven through some of the matters we will consider today and certainly some of the matters that we are considering this fall.

Larry will talk about a relatively full fall schedule and the need for some additional meetings. We have a lot of work ahead of us on the permitting and regulatory side including consideration of some of our regulations and certainly a lot of work on adaptation including some significant steps forward on the ART Project that you will hear more about in the near future.

a. **Commissioner Change.** Commissioner Teresa Alvarado has been appointed by the Governor to sit on the California Water Commission. As a result, she has had to resign from BCDC. I would like to tell you I argued with the governor over that and I would have I just didn't have the chance. We wish her all the best in her new role and we know that she will be a great addition to that body. That has created a situation where we welcome back Pat Showalter who has been appointed by the Senate to sit and she signed the oath today so that she can participate. We welcome you back for all of your contributions.

b. **Environmental Justice Commissioner Working Group.** As Commissioner Alvarado chaired the Environmental Justice Commissioner Working Group, we now need a replacement. I propose to appoint Commissioner Eddie Ahn as the Working Group's new Chair. He has kindly agreed and it did not require arm wrestling. And hearing no objections, congratulations, Commissioner Ahn, on that! Now, in your new role, would you please report on the Environmental Justice Working Group meeting that was held this morning?

Commissioner Ahn reported the following: In keeping with tradition I will be brief. September 5th was today and it was our Working Group meeting where we discussed changes to the language. It was very in-the-weeds but also really important to discuss how environmental-justice amendments will be implemented.

October 3rd we will have another upcoming meeting to discuss implementation and next steps. And then October 11th will be the final day to publish final staff recommendations. Ideally it will come earlier but this full body of the Commission should expect a vote on October 17th.

With that I conclude my report.

Chair Wasserman asked: Any questions for Commissioner Ahn? (No questions were voiced)

c. **Next BCDC Meeting.** At our next meeting which will be held on September 19th, we will:

(1) Hold a public hearing and possible vote on the 3500 Marina Project in Brisbane, San Mateo County.

(2) Hold a public hearing and possibly vote to initiate proposed Bay Plan Amendment 3-17 to amend the San Francisco Waterfront Special Area Plan.

(3) Hold a public hearing and possible vote to initiate proposed Bay Plan Amendment 5-19 to remove a water-related industry priority use designation from a portion of the Contra Costa shoreline.

d. **Engineering Criteria Review Board Appointment.** Our staff has provided us with a recommendation that Rod Iwashita be appointed to serve as a member of the Engineering Criteria Review Board. Mr. Iwashita has extensive experience as a marine structures engineer and is the Deputy Director, Chief Harbor Engineer of the Port of San Francisco. I support this recommendation and intend to make this appointment. I would appreciate a motion and second indicating that the Commission concurs in that action.

MOTION: Vice Chair Halsted moved approval of the motion, seconded by Commissioner Pemberton. The motion carried by a voice vote with no abstentions or objections.

I do want to congratulate Larry and the administrative staff and everybody who supported the move into this building and it went very smoothly. Larry will talk to you about a tour of the new premises which is exciting.

e. **Ex-Parte Communications.** In case you have forgotten this is an opportunity to report any ex-parte conversations on the record. Keep in mind that you need to report them in writing in addition to any verbal reports. Anybody? (No ex-parte communications were reported)

Vice Chair Halsted commented: Chair Wasserman, Jim McGrath and I have been struggling to put together a way for us all to participate in our Executive Director's performance evaluation. We have structured that with the use of Survey Monkey which you should be receiving tomorrow. We are asking all Commissioners, Alternates and then we have a separate review Survey Monkey for the staff. And then we are going to outside stakeholders as well.

We are trying to compile all of those matters. You can imagine how complicated that would be if we didn't use a computer. We will then provide all of that feedback to our wonderful Executive Director.

I would ask for your attention to that matter when you receive that email. If the questions that are asked are not exactly the ones you wanted to be asked please try to find a way to provide the answers you want to provide.

There may be more questions than you think you can answer. If you can't answer them don't bother if they are not something you know anything about.

I just wanted to alert you to that and ask you to respond as quickly as you can. We'd like to get that in by the middle of September and then hopefully be back to our Executive Director in early October.

So thank you very much. It is a big job but the computer and our staff make it much easier. Any questions? (No questions were voiced)

Executive Director Goldzband will now present the Executive Director's report.

6. Report of the Executive Director. Executive Director Goldzband reported: Thank you very much Chair Wasserman.

For the first time as your Executive Director I want to welcome you to BCDC's new home. MTC, the Air District and BARC leaders welcomed our staff to the fifth floor of 375 Beale Street on Monday, August 19th with a delightful breakfast reception for every occupant of the fifth floor. I said that morning that it truly was a great day and I noted that my ancestors wandered for forty years in the desert before finding a home. So, perhaps that makes the six or so years that Chair Wasserman and I have been actively working on this issue seem like a fleeting interlude. While I know that you don't feel that way I do want to spend a moment thanking Chair Wasserman for his dogged determination without which we would not be ensconced five floors above. And I want to thank Peggy Atwell, who is on a well-deserved vacation, and the myriad BCDC staff who planned and implemented the move. We worked past Thursday and Friday nights into Friday and Saturday mornings and went home late on Saturday afternoon feeling pretty well satisfied. It was virtually seamless despite the best efforts of AT&T and the U.S. Postal Service – the phones we were supposed to receive ended up in Atlanta, but others arrived, and our mail was forwarded to some Sacramento address before we set that straight. If anybody is interested I would be happy to escort you up to the fifth floor after the meeting and we'll only charge you 50 cents for a tour.

a. **Budget and Staffing.** BCDC has three new graduate student interns through the RIPTIDES program. "RIPTIDES" is an acronym that stands for Research Intensive Pedagogical Training of Inter-Disciplinary Estuarine Scientists. We started to develop this program two years ago with our NOAA cousins at the China Camp National Estuarine Research Reserve site and San Francisco State University's EOS Center, which used to be known as the Romberg Tiburon Center. Geana Ayala will be working in the Bay Resources Permitting Program to expand the work of last year's RIPTIDES interns who reviewed the agency's monitoring requirements for habitat projects over time. Elena Huyhn will work with the Planning team to help kick start our mitigation Bay Plan amendment. And Laura Hollander will support some of the planning work of the Sediment Management team.

In addition, we'll bring on as an intern a recent Aggie graduate from U.C. Davis, Amber Leavitt. Amber is a Civic Spark Fellow, a marvelous program that offers year-long internship opportunities with a wide variety of policy organizations. Amber earned her Bachelor's degree in Environmental Science and Management and she'll become part of Shannon Fiala's Bay Plan Amendments Team.

With regard to budget, I do not want to upstage Cheneé on her presentation later today. Suffice it to say that it will be riveting and I am sure that you will pepper her with questions.

b. **Policy.** Last Thursday in federal district court the long-awaited oral arguments in BCDC's lawsuit against the Army Corps of Engineers occurred. I'd like to ask Chief Counsel Marc Zeppetello to give you a brief synopsis of the event which was covered live by CNN.

Mr. Zeppetello presented the following: The hearing was on last Wednesday the 28th. As context the case concerns the Corps' refusal to comply with the conditions imposed by the condition on a consistency determination conditions related to beneficial re-use for the Corps' beneficial re-use, a minimum percentage and also reduced use of hopper dredging.

There were three motions on the calendar. The Western States Petroleum Association had requested to leave to file an amicus brief. And the Court said it would decide but would not hear argument on that. The second motion was BCDC and Baykeeper's motion to supplement the record with budget documents regarding the Corps' decision to begin its alternate dredging of the two north Bay channels a couple of years ago. The Court also said that it would not hear argument on that but it would decide it on the papers. And then the third set of motions were the cross motions for summary judgement by BCDC – on the one hand BCDC and Baykeeper and the Corps of Engineers on the other on the merits of the case and the issues under the Clean Water Act and the Administrative Procedures Act and the Coastal Zone Management Act.

The Court gave no indication of how it would rule or what its inclinations were but it allowed two hours of oral argument on those issues. Deputy Attorney General Terra Mueller represented BCDC and did a great job in presenting her points and in responding to questions from the Court.

Terra split her time with an attorney from Baykeeper who argued the Clean Water Act issues. And the Corps was represented by two attorneys with the U.S. Department of Justice from Washington.

I will highlight a couple of the many issues discussed during the two hours. One was the significance and applicability of the Court's decision in the Ohio Case. As you may recall the Ohio Case involved Ohio challenging a Corps decision concerning dredging of the Cleveland Harbor where the Court ruled in favor of the state and in summary said that the Corps could not rely on the federal standard to trump its obligations under the Coastal Zone Management Act and the Clean Water Act.

One distinction was that in the Ohio Case there was a specific statute under some legislation involving the Great Lakes that required dredging. We argued that although there was that distinction and there was no mandatory duty to dredge here the Court's analysis of the underlying issues under the Coastal Zone Management Act and the Clean Water Act was directly applicable.

The Court had some questions about what did it mean to deprioritize a channel as was done in Ohio where the Corps had the money to dredge Cleveland Harbor and then decided not to. And we argued that this was analogous to what happened in the Bay here when the Corps went on this program of alternate dredging.

I believe that there was consensus that the Court was asking is there some specific decision that deprioritizes and is it a document or is there something they could look to and I believe both sides agreed that this was not the case and that the Court could look at the totality of the circumstances including the environmental assessment, including the budget documents, the justification sheets which were the subject of our motion to supplement the record.

There was discussion about the relationship between the LTMS goals for reducing in-Bay disposal and increasing beneficial re-use – the relationship between the LTMS and the Bay Plan policies which is what BCDC was implementing through its conditions.

The Court had some questions about what was the water quality implication of the manner of dredging and how did the protection of fish tie into a water-quality standard which was addressed by Terra Mueller and Baykeeper.

That summarizes the main points discussed during the argument. At the conclusion the Court took the matter under submission and said it would do its job but gave no indication of timing. In the past during the various motions throughout the case and proceedings the Court has been relatively quick so I would estimate it is likely a matter of weeks not months and could be any time.

Depending on the outcome I expect that we will likely schedule a closed session to brief the Commission and talk about the implications or next steps. Thank you.

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

Executive Director Goldzband continued: Next week Marc will be BCDC's lead staffer when the Permit Fees Working Group meets on Wednesday. Staff is hoping that the Working Group will finish its deliberations next week and be prepared to present its recommendation to the full Commission this fall. To give you a very short preview of coming events the Working Group will discuss the possibility of doubling BCDC's permit fees and phasing-in that increase over time.

Last month Brad McCrea, our Regulatory Director, handed over management of the new multi-agency, permitting process for habitat projects – known as the BRRIT – to his counterpart at the Regional Water Quality Board. Brad deserves our thanks for spending the past year leading the multi-agency effort to start the BRRIT and he handed over the keys to the car just as the BRRIT became fully staffed and kicked off its work last week. Erik Buehmann, one of our permit program managers, will continue BCDC's involvement as a member of the BRRIT Management Team that will solve the thorniest policy problems. The six permit staffers including our Anniken Lydon (stood and was recognized) will meet as a team at the Water Board offices. Anniken is now being paid as part of an agreement with the San Francisco Bay Restoration Authority and others to fund the BRRIT. And she will be full time on those projects.

Now – a gentle scheduling announcement. I want to let you know that BCDC will meet twice monthly in October and November with very full schedules and the first Thursday in December as well. Please know that we'll want you to be here on time and expect to stay through the afternoon. In addition to conducting public hearings and voting on several permit and consistency determination applications from around the Bay you will be voting on the Bay

Fill and Environmental Justice Bay Plan amendments and several smaller map amendments. Staff will provide you briefings on the soon-to-be-finished nine-county ART Bay Area Program, BCDC's participation in the state's Oil Spill Response Program, our progress implementing the Strategic Plan, and the science program now underway that will educate all of us about sand mining. And you'll be updated by the Enforcement Committee on its deliberations in response to the audit.

Speaking of the Enforcement Committee, next Thursday it will hold its second public hearing on the Richardson Bay anchor-out issue. We have included in your packet two articles on the topic. Channel 5 also plans to run a story on the illegal anchor-outs and the local governments' proposed solutions. Of course, you are cordially invited to attend. In addition in November we will more than likely be holding a workshop on adaptation or something like that but more to the point; either the workshop will be held in the morning and the Commission meeting will be held in the afternoon or vice versa. We will let you know as soon as possible but my gut tells me it will be the third Thursday in November which is November 21st.

And because you all have so much spare time I also encourage you to take part in two upcoming events in October - the CHARG Summit at which Planning Director Jessica Fain will speak and the biennial "State of the Estuary" conference that will feature several BCDC staff.

Finally, two notes from newspapers this week. According to the Chicago Tribune NOAA has reported that 2017's natural disasters wreaked quote, "unprecedented financial damage on the United States", ends quote. The U.S. endured 16 weather and climate events in 2017 that inflicted at least \$1 billion in damage which tied the year 2011 for the most such calamities in a year. And natural disasters according to NOAA caused a record \$306 billion in damages and 362 deaths in the U.S. in 2017. Meanwhile, the New York Times is reporting that climate change is a "personal focus" for Christine Lagarde the incoming head of the European Central Bank. Ms. Lagarde is quoted as saying that "any institution has to actually have climate change risk and protection of the environment at the core of their understanding of their mission." According to the Times this signals that the ECB will soon worry whether financial markets have adequately priced the risks of climate change on a per company basis.

That concludes my report, Chair Wasserman, and I'm happy to answer any questions.

Chair Wasserman asked: Any questions for the Executive Director? (No questions were voiced) Chair Wasserman continued.

7. Consideration of Administrative Matters. Chair Wasserman stated: Item 7 is Consideration of Administrative Matters. We received a report on those. Brad McCrea is here if you have any questions regarding the Administrative Listings. (No questions were voiced) Chair Wasserman continued on to Item 8 on the Agenda.

8. Commission Consideration of Billing Contract. Chair Wasserman announced: Item 8 is Commission consideration of a contract for online, document accessibility support to ensure that all of BCDC's website documents are accessible to all the public. Executive Director Goldzband will make the recommendation.

Executive Director Goldzband addressed the Commission: I am doing this in lieu of Peggy Atwell who is on vacation. The staff recommends the Commission authorize the Executive Director to enter into a multi-year contract for \$45,000.00 to provide BCDC with assistance in ensuring that the Commission website and its documents are accessible to people with disabilities.

Federal, state laws and guidelines require that our web content along with all the other web content of any state agency is accessible to people with disabilities.

We have thousands of current and historical files on our website for use by the public. Many of those files contain complex tables and charts that require specific expertise to convert to an accessible standard. We don't have that expertise.

Additionally the sheer number of files on our website and limited staff resources make it difficult to respond to public requests for accessible documents or for documents that need to be made accessible.

What we are doing now is ensuring that all new documents placed on the website are accessible. And we intend to continue to provide all of our existing documents to the public rather than pull just about everything from the website which other state agencies have done.

The staff will work to make all BCDC documents accessible over time and will convert specific documents when requested.

The assistance of a third-party vendor who specializes in this type of accessibility is needed to assist with converting complex documents, urgent requests for accessible documents, training and creating additional templates.

As a result we request that the Commission authorize the Executive Director to enter into that contract. The staff further recommends the Commission authorize the Executive Director to amend the contract as necessary including revising the amount of duration so long as the amendment does not change the amount more than ten (10) percent or involve substantial changes in the services provided and the contract is to exist for up to three years.

I am happy to answer any questions.

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

MOTION: Commissioner Pemberton moved approval of the staff recommendation, seconded by Commissioner Wagenknecht.

VOTE: The motion carried with a vote of 18-0-1 with Commissioners Ahn, Butt, Gilmore, Gorin, Pemberton, McGrath, Peskin, Pine, Nelson, Randolph, Sears, Showalter, Vasquez, Nguyen, Wagenknecht, Ziegler, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Galacatos abstaining.

9. Public Hearing Regarding Bay Plan Amendment No. 3-19 Which Would Add a Policy Regarding the Middle Harbor Enhancement Area to Bay Plan Map 4. Chair Wasserman announced: That brings us to Item 9 which is a public hearing regarding Bay Plan Amendment 3-19 to add a policy note to Bay Plan Map 4. Megan Hall will make the presentation.

Coastal Scientist Hall addressed the Commission: My name is Megan Hall and I am an environmental scientist at BCDC. Today I'll be presenting on staff's preliminary recommendation for Bay Plan Amendment 3-19 to add a Bay Plan Map Policy regarding the Middle Harbor Enhancement Project.

I'll start by reminding you of the process that led us to initiate BPA 3-19 and the evolution of our thinking on this topic.

As part of the Fill for Habitat Bay Plan Amendment, (BPA 1-17) staff was considering the removal of Dredging Policy 11b from the Bay Plan.

Based on stakeholder and staff discussions, staff decided that if Dredging Policy 11b was deleted, it would be best to replace it with a Plan Map policy stating that the Middle Harbor Enhancement Area should be completed. However, Plan Map Policies were not included in the scope of the Fill for Habitat Amendment. To keep the schedule of BPA 1-17 on track a separate amendment was initiated rather than a change of scope to BPA 1-17.

In staff's preliminary recommendation on BPA 1-17, draft language for the Plan Map Policy was included, as well as the recommendation to remove Dredging Policy 11b.

At the initiation of BPA 3-19, and at the June 20th public hearing on the Fill for Habitat Amendment, the Commission and the public raised concern about staff's preliminary recommendation.

In the preliminary recommendation for BPA 3-19 proposed Plan Map Policy language was slightly modified in response to public comment. Today we are here to discuss that proposed policy addition in the first public hearing on this amendment BPA 3-19.

A new recommendation has not yet been made on Dredging Policy 11b although staff is considering other options which we will discuss in more detail today.

The previous slide talked you through the evolution of this amendment on a process level but we also want to remind you of why staff believes we need a Plan Map policy regarding the Middle Harbor Enhancement Area. Starting with the Fill for Habitat Bay Plan Amendment, we know that sea level rise is predicted to continue and accelerate.

Additionally, sediment supply may be insufficient to allow habitats to naturally keep pace with sea level rise. Therefore, Bay habitats may undergo major changes, such as the flooding depicted here during a King Tide.

These habitats may need more fill to adapt to rising seas, but the Bay Plan currently contains several policies that restrict the use of fill in the Bay for habitat projects.

One of these limiting policies that has been central to the Fill for Habitat Amendment discussion is Dredging Policy 11b. This policy restricts the amount of dredged sediment that can be used for habitat projects in the Bay to a minor amount until three conditions are met, one of which is the successful completion of the Port of Oakland Middle Harbor Enhancement Area. However, this project has not been completed as I will describe shortly.

You have heard about the Middle Harbor Enhancement Area in several recent briefings but I will give you a quick refresher.

The Middle Harbor Enhancement Area was a particularly notable project by the Port of Oakland and the Army Corps of Engineers that proposed the disposal of about five million cubic yards of dredged sediment in the Bay for habitat creation. There was significant debate about its potential for success and potential to negatively impact the Bay.

The Commission could not find the Middle Harbor Enhancement Project consistent with its laws and policies, so the Bay Plan Dredging Policies were amended to allow the project to move forward. Dredging Policy 11b was added through this amendment process to ensure that projects like the Middle Harbor Enhancement Area would not occur again until this “pilot” project had first been completed successfully.

However, the Middle Harbor Project has not yet been successfully completed and will likely not be completed still for many years. The project experienced delays and thus some of the project components are nearly a decade behind schedule.

The project has progressed recently and BCDC has been working with the Army Corps and Port of Oakland to get the project completed in a timely manner.

However, until these criteria are complete, Dredging Policy 11b could unnecessarily limit other unrelated projects in the Bay that need dredged sediment to facilitate the adaptation of rare and at-risk habitats. Additionally, BCDC along with many other stakeholders wants to ensure that the Middle Harbor Project is completed and provides the intended habitat benefits.

So considering this context, staff believes that it would be valuable to add a policy to the Bay Plan Maps stating that the Army Corps and Port of Oakland need to complete the Middle Harbor Enhancement Area Project.

Staff believes that the addition of a policy encouraging the completion of the project would be an important component of ensuring that the project is completed in a timely fashion and that it provides the benefits promised as part of the original project plan.

We propose this policy as an addition to the Bay Plan Maps since site-specific policies are typically located in the Plan Maps.

Unlike Plan Map notes, Plan Map policies are fully enforceable.

Staff’s preliminary recommendation put forth in the August 5th Preliminary Recommendation for the amended language is shown here. However, we would like to work with the Army Corps and the Port of Oakland to see if we can reach mutually-agreeable language.

While today’s hearing is primarily about the Plan Map Policy we recognize that it is difficult to consider this issue in isolation without also considering the outcome of Dredging Policy 11b.

This slide lays out the options for the Plan Map Policy and for Dredging Policy 11b. We could either remove or amend Dredging Policy 11b and either add or not add the Plan Map Policy.

The first option in the upper left represents staff's Preliminary Recommendation that has been issued in both of the staff reports which is to add a Plan Map policy and remove Dredging Policy 11b.

Two main concerns have been raised about this option via public comment and Commission discussion at the June 20th public hearing. One concern was that removal of Dredging Policy 11b and adding a new policy on the Middle Harbor Enhancement Area in the Plan Maps would weaken BCDC's ability to push for the completion of this project. Another concern is that the addition of a Plan Map policy requiring the completion of the Middle Harbor Enhancement Area might impose new requirements beyond what was authorized in the initial Consistency Determination.

Staff maintains that the addition of a plan map policy would not affect the existing Consistency Determination but it would possibly allow the Commission to take a stronger stance on requiring project completion if the Army Corps requests an amendment to the original Consistency Determination.

Another option is to add a Plan Map policy and retain a revised version of Dredging Policy 11b. Based on public comment the staff would likely recommend a potential revision that would restrict the placement of dredged sediment only for projects that are similar to Middle Harbor.

This option would allow habitat projects in most parts of the Bay to use larger volumes of dredged sediment while also retaining Dredging Policy 11b, without which the Middle Harbor Enhancement Area could not have been permitted in the first place.

This option would also provide additional support for the completion of the Middle Harbor Enhancement Area. However, commenters have raised concern that retaining any form of Dredging Policy 11b could limit some habitat projects in the future.

A third option is to retain a revised version of Dredging Policy 11b without adding a Plan Map policy. Similarly, this option would alleviate most concerns about the ability of habitat projects to use dredged sediment in the Bay. However, this option would mean that no policy in the Bay Plan states in plain language that the Middle Harbor Enhancement Area should be completed, which staff believes will be an important tool in ensuring the completion of the project, especially with a less restrictive version of Dredging Policy 11b.

Finally, while it is an option to remove Dredging Policy 11b and not add a Plan Map policy, staff does not think this option is advisable as the completion of the Middle Harbor Enhancement Area would no longer be addressed through the Bay Plan in any form.

Therefore, it is really only these three options that staff is considering. While staff's preliminary recommendation to add a Plan Map policy stands, we are considering the two options on the right as well for the final recommendation.

Our timeline for this amendment and the Fill for Habitat Bay Plan Amendment is as follows: The amendment process for BPA 3-19 was initiated on June 6th. On June 20th there was an initial public hearing on BPA 1-17 at which there was some discussion about the Plan Map policy as well.

The official Preliminary recommendation for BPA 3-19 was published on August 5th and after a 30-day public-comment period the initial public hearing on BPA 3-19 is today.

After this staff will write and publish final recommendations on both Bay Plan Amendments no later than September 27th. We will then tentatively have a vote on both Bay Plan Amendments on October 3rd.

During the 30-day public-comment periods for both BPA 1-17 and BPA 3-19 BCDC staff received public comment regarding the Plan Map Policy from these four organizations. Staff has had conversations with all of the commenters and will continue to work with these organizations to reach consensus to the greatest extent possible.

As you hear public comment and as you discuss this matter today we'd like you to consider a few questions. First, are there any unforeseen consequences of adding a Plan Map policy? Should the proposed language be modified? Which of these options gives BCDC the strongest ability to ensure that the Middle Harbor Enhancement Area Project will be completed? And finally, will any of these options hinder beneficial re-use of dredged sediment for necessary habitat projects?

We would like to remind you that today's hearing is on BPA 3-19, the Plan Map Policy and NOT about Dredging Policy 11b. We recognize that it is difficult to consider this issue without Dredging Policy 11b but conversation about Dredging Policy 11b should ideally pertain to the decision on the Plan Map Policy.

With that I'll turn it back over to Chair Wasserman.

Chair Wasserman continued: Commissioner Nelson as head of the Bay Fill Working Group – would you like to make a comment?

Commissioner Nelson commented: This issue and the issues around Dredging Policy 11b have been one of the most important issues that the Bay Fill Working Group has discussed. That policy as currently written presents a real impediment to a wide variety of potential beneficial re-use strategies, some of which provide important potential habitat benefits. So this has really been something where we focused on now for a number of years as Megan mentioned.

The hearing today is about the Bay Plan Map Policy not about 11b. But because the Map Amendment and 11b are kind of a package here I expect that the discussion is going to touch on both of those issues.

I will hold off on my thoughts about the substance until we hear from any public testimony.

Chair Wasserman announced: We will open the public hearing. I have one card from Tommy Williams from the Army Corps of Engineers.

Mr. Williams addressed the Commission: I have a fifth recommendation and I would like to talk about it. My name is Tommy Williams and I work for the Army Corps of Engineers in San Francisco. I am the Deputy DPM.

We've heard the genesis of the MHEA and its importance for the Bay. It is something we can all agree on. We are proud of this project. I am personally proud of this project. It is an element of our program that is personally fulfilling for many of us at the Army Corps.

So that said, we understand the ongoing dialogue with this environmental restoration component of the Oakland 50-foot Deepening Navigation Project. And I want to be clear about the Army Corps intent and plan for the Middle Harbor Enhancement Area.

We are committed to delivering a viable project regardless of this or any other amendment or public sense that focuses on completing this project.

The last two years of funding for this project that guide our goal here included \$6 million in 2015 and \$2.4 million in 2016 that were specifically for completing the Middle Harbor Enhancement Area and closing this project out successfully.

This funding is available until spent. It is not going away. It is not going to a border wall. It is not just disappearing.

And this brings me back to the point that we have been and continue to be committed to delivering a complete and viable project.

So next in order to ensure that this is taken without any offense and is actually constructive I want to let you know that I was educated as and am now employed for my services as a policy analyst and advisor. With that said, any amendment that attempts to require the federal government to complete the Middle Harbor Enhancement Area from this group will be determined to be an overstepping of rules and will be an unenforceable authority.

If something akin to this amendment is adopted our district must elevate the issue to our leadership and to NOAA pursuant to the Coastal Zone Management Act (CZMA).

Finally, and hopefully to end on a more collaborative note here given our explicit expressed and continued commitment to finish the Middle Harbor Enhancement Area, I am personally happy to champion (this is my fifth recommendation) – I am personally happy to champion and the district fully supports the development and signing of an Memorandum of Understanding (MOU) between our agencies on or before September 27th to help with that timeline and to collaboratively codify all of our collective goals.

With that said we've also offered language, alternative language that essentially drops the word "should" from 3-19 that we don't have any objection to and it is included in our comment letter.

I don't suppose there are questions so I think I am done. (Laughter) Thank you for your time everybody.

Chair Wasserman chimed in: Let's double check and see if there are questions. (No questions were voiced) Apparently not, your assumption is correct. The only one who might question you is sitting behind you and he has recused himself.

Mr. Williams replied: Excellent.

Chair Wasserman continued: Questions, comments from the Commission. Barry you want to start?

Commissioner Nelson commented: Not surprisingly, we are talking about 11b as well as the Map Policy. I have to start with a caveat and that is I was out ill and missed the last Working Group meeting. So if this issue was discussed at that meeting I wasn't a part of that discussion.

But I think it is fair to say that the Working Group in general has felt that the direction the staff is going which is adding the Bay Plan Map Policy and amending Dredging Fill Policy 11b is in general the right direction.

That said if the Corps is willing to enter into discussions regarding an MOU I am certainly open to that direction. But I don't want to abandon the course we are on and I would like to ask the staff a question and make a recommendation regarding something they can think about.

It has been a long time since this project was approved by the Commission. I am trying to remember the extent to which this project was approved solely on the basis of its enhancement benefits and to what extent it was approved because this project would provide mitigation to compensate for other project impacts.

Does staff off the top of its head know the answer?

Mr. Goldbeck responded: This project was mainly proposed as a way to use the dredged material to provide habitat. There was a small acreage of impact from the deepening projects because this was a part of the 50-foot Deepening Project. I think there was some eel grass around the channel edges if I remember correctly and that is on the order of 13 acres.

But the acreage is far greater that it is providing. So there is a component of that but it is very small but the federal resources agencies did recommend that the project be provided to offset impacts.

Commissioner Nelson replied: That is helpful. The reason I am asking is this project has been delayed substantially but not the dredged fill placement portion of it. The vast majority of the sediment that is going to wind up in the site has already been placed in the site.

So the Corps and the Port received the benefit of the placement but the bargain was that this project was going to mitigate for project impacts and provide additional public benefits.

And I have to say at this point the lengthy delay and some of the benefits of the project concern me because it suggests that this bargain is not holding up. This is because project impacts haven't been mitigated in a timely fashion and because promised public benefits haven't arrived, but the applicant has receive—the Corps and the Port have received—the benefit of dredging the Harbor and placing the fill.

And that suggests to me that the interim loss of those values, both mitigation and enhancement values, is something we should be paying attention to. And my concern—which frankly wasn't so great quite a few years ago when the project was modestly delayed – that concern is growing because the project is now substantially delayed.

So in your discussions regarding an MOU and as you think about final, potential, Map Policy language – I am not offering this as a motion but as a suggestion for staff; that in those conversations I urge you to keep track of the loss of those values both mitigation and restoration values in the interim. It is not yet clear to me which direction we are going in. I may have some thoughts by the time we come back are in a position where we can vote. We will know how promising the MOU route is and you will present us with final recommendation, or alternatively, final recommendation language on a possible Map policy.

I have to be persuaded that we don't need a Map policy. That is the direction that I am thinking of right now. But in either one of those I'd urge you to think about how we should be addressing that loss of interim values.

That concern just grows over time. It is not a problem that is the same tomorrow as it is today. That problem is a bigger problem over time.

Chair Wasserman asked: Any other questions or comments?

Commissioner Showalter was recognized: I've been on the Bay Fill Committee as well for several years and this is a subject that we have discussed repeatedly.

I was strongly on the side of just getting rid of 11b. And the reason that I thought that way is because of the fourth question: Will any of these options hinder beneficial re-use of dredged sediment for necessary habitat projects?

And this project has been stated as – until we get Middle Harbor finished we are not going to go forward. So it has been a barrier.

I have felt that we want to remove that barrier because as we all know, why we are doing this is so that we can speed up restoration and climate change protections for our region.

But at the same time there are a lot of ways to describe the language to make that work. So for me my concern is making sure that we remove this project as a barrier for other worthy projects that are protective. And if that is through an MOU or a slightly revised language then that's fine. I just really think that the removal of the barrier to forward progress with restoration projects is what is really paramount here.

Chair Wasserman asked: Any other questions or comments? (No further comments were voiced) These two issues are clearly related but they are quite separate.

There is the issue that Commissioner Showalter just focused on that 11b as it is written is a significant impediment, more than just potentially to other habitat fill and beneficial re-use projects. So it has to go or be modified.

The separate issue is what leverage we have, which is not a huge amount – this is not a project we are going to undo nor should we – but what leverage we have to encourage the Port and the Corps to complete the project.

And I don't in any way question the speaker's sincerity in terms of commitment to it, or the Corps' commitment to it, but it has taken a bloody long time and it is not done yet.

So I think the issue of the Map Policy remains important given that we are going to eliminate or modify 11b. If that can be better done by an MOU I think we are all willing to consider that. That is a concept not a reality at the moment and with all due respect these three entities – BCDC, the Port of Oakland and the Army Corps – have not always gotten along or gotten things done efficiently.

I am mildly amused that the Army Corps would think of going to NOAA over this issue but would not go to NOAA over the dredging issue. It is a little inconsistent.

I am also mildly amused that there is so much "Sturm und Drang" over the word "should." And frankly that worries me a little. So maybe the MOU is a better way to go.

But from my perspective what is before us today on the Map Policy Amendment needs to move forward. And we need to deal with 11b as well but unfortunately for the timing and everything separately.

Any other comments or questions? (No further comments were voiced) I would ask for a motion to close the public hearing.

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

Chair Wasserman continued: Staff will work with the Bay Fill Commissioner Working Group to consider the comments to prepare a revised recommendation which will include the responses to the comments that BCDC has received. If there are major changes to the proposed findings and policies a second public hearing will be scheduled to take comment on them. No further action is needed on this matter today.

10. Briefing on Budget Information. Chair Wasserman announced: Item 10 is a briefing on BCDC's budget. Cheneé Williams, BCDC's Chief Budget Officer, will provide the briefing.

Chief Budget Officer Williams presented the following: It is very exciting to be in front of you talking about budgets. I always like to see faces light up when we talk about money but then they turn when we talk about how much you can spend.

Larry has tasked me to talk about the budget and around this time last fiscal year I had less grey hair but I am ready to go through and talk a little bit about it.

First we are going to talk about this fiscal year's anticipated income. So basically our budget is broken up into three major areas.

We have the General Fund which is our salaries, wages, benefits, general salary increases and things of that nature where we have it at \$9.15 million. And that also includes the \$2.87 million for our relocation here to the Metro Center.

The second area is the Special Funds which is our Bay Fill Clean-Up account along with our Greenhouse Gas Reduction Fund. For our Bay Fill Clean-Up we have been given authority to spend up to \$493,000. However, we only plan to expend \$334,000. For our Greenhouse Gas Reduction Fund we were given a baseline of \$1.84 million along with \$250,000 that carried over from the fiscal year 2018/2019 allocation which together brings it to \$2.42 million.

And lastly we have our Reimbursements which deal with the Department of Finance. They have given us authorization for \$1.911 million. However, going to the previous fiscal years we have only gotten up to \$1.4 million but currently we see our Reimbursements as \$1.25 million as of right now. Hopefully things will change. Sometimes with different contracts and grants sometimes things go up and sometimes things go down. But currently we are at \$1.25 million.

And for a total of all three areas we have it at \$12.82 million. So our General Fund at 9.15, our Special Funds at 2.42 and Reimbursements at 1.25.

How are we spending our money? So the last previous fiscal year we had a total of \$11.24 million. We had the General Fund at \$9.15 million. I talked a little bit earlier on how part of it we had the \$2.87 million for our relocation here into the Metro Center. We have our Special Funds where we had \$954,000. From our Bay Fill it was \$284,000. And then our Greenhouse Gas Reduction Fund we had a total of \$670,000. We had the allocation from fiscal year 2017/2018 at \$420,000 and then our fiscal year 2018/2019 our allocation up \$250,000. And then for fiscal year 2018/2019 our Reimbursement we had \$1.14 million.

For this fiscal year as I said earlier with our General Fund a good bulk of it goes for our salaries and wages. This year we predict \$7.38 million which covers 39.5 positions along with 8 additional positions "in the blanket."

This also includes \$2.51 million for our staff benefits, which is 34 percent of the \$7.38 million.

Our Operating Expenses and Equipment (OE&E), we have it at \$3.73 million, which a good bulk of it is coming from our Facilities Operation which is our rent at \$1.32 million and then the Relocation which was \$375,000.

Also this year we have our California Military Department IT Risk Assessment at \$40,000 and then our Anticipated Expenses at \$1.26 million.

For the previous fiscal year we had two positions added to our baseline but then also for fiscal year 2019/2020 we had two positions and an upgrade added towards our budget. So for fiscal year 2018/2019 we had two positions which were geared towards enforcement. One was the attorney Karen Donovan and then we also had the Coastal Program Manager and we are in the process of hiring for that.

For this fiscal year 2019/2020 we have two positions with Regulatory and then two positions with Planning. With Regulatory we have our BRRIT position. And then we also have the Junior Bay Design Analyst. Also with those two positions is the upgrade with our Bay Design Analyst. And then for Planning we have the two positions – the ART Help Desk but then also the Environmental Justice Outreach.

So here I gave a summary of our permit fees that we collected. Since 2009 until currently we have collected a little over \$6.7 million. For 2014/2015 and 2015/2016 you see it as an increase. That deals a little bit with Treasure Island which Brad could talk about. And then just recently since the fiscal year just started in July we have a little over \$222,000.

Lastly we have the violation fines that were collected from fiscal year 2009 up until currently. So far we have \$5,000 which the start of the fiscal year is July. So that number will definitely bump up but we have a total of \$1.465 million.

Are there any questions?

Executive Director Goldzband chimed in: Under the way the world works with the Department of Finance I am unable to tell you all what we actually asked for. It is just the way it works and I have no desire to be in bad straits with the Department of Finance.

However what you could see if you go back to the new positions Cheneé is that as you know we were able to use the Bay Fill Fund to hire Karen as an attorney and we are in the process of hiring the Program Manager to actually manage the program.

And this past year we were able to receive \$1.841 million in continuous, annual funding from the Cap and Trade Program (GGRF). And we are using that primarily for Planning and a little bit for Administration and some for Regulatory.

But it enabled us to essentially add four positions and upgrade a fifth. So I introduced you to Anniken first, the BRRIT even though that is not coming out of the Department of Finance or state funding it is coming indirectly out of state funding for the SFBRA but we were able to upgrade Andrea Gaffney's position who is our Bay Design Analyst and add a second Bay Design Analyst which will definitely increase throughput, reduce the time it takes for our plan review to actually work.

And on the planning side we will be hiring a new person in the ART Team to be responsible for being the outreach person literally answering questions and helping communities figure out through ART how to use ART and that is why it is called the Help Desk.

And to have a second, environmental-justice staffer whose primary responsibility would be to do outreach and make sure that environmental-justice issues candidly don't come to the fore at BCDC. So we were able to get that which means we were tremendously successful this past year in working with the Department of Finance to get these and the Legislature.

And Chair Wasserman was instrumental in meeting with the Department of Finance and working through that system.

I do this every year when I talk about the "blanket". If you look at BCDC's organization chart you will see up to about 54 or 55 full-time positions this year at BCDC which is an increase of about 25 to 30 percent over what it was four or five years ago.

At this point only 39.5 of those boxes are actually labelled permanent but we have the funds to hire others. So therefore they are not in permanent boxes, they are in the "blanket", that is the term of art that is used in the state.

So what we are going to seek to do is that we are seeking to make as many of those "in the blanket" permanent positions. And what we are going to have to do is be able to demonstrate to the Department of Finance that we have the funding going forward to do that. And so that is part of what we will be doing this year.

And then I will tell you that the California Military Department, which is commonly known as the National Guard, biannually does an IT risk assessment that actually happened a year and a half ago and it will happen again this year. We have two people who do IT at BCDC, which is probably two less than we need, and so we never get good news on the risk assessments that we do, but we work as hard as possible for that.

BCDC, and Brad is the first person to be able to explain this – is a "lagging, economic indicator" because that's what development is. You can see the amazing growth in fees for permits that were collected this past fiscal year compared to the previous couple. And it is not surprising especially when you consider what I told you about the schedule during the fall and upcoming. The Regulatory Department is dealing with an awful lot of permit applications.

And then finally on the violation fines you will see that – I will tell you that the issue that the Enforcement Team will be having this year, Fiscal Year 19/20 is that it will be spending the vast majority of its time working on the Audit and the reaction to the Audit versus actually doing large-scale enforcement because we need to fix the system.

I don't know how much that is going to grow. It will grow but I don't know how much.

Commissioner Randolph was recognized: If I was hearing it correctly there is a gap between the funds available to the Special Funds, its current year and the actual level of allocations. Is that just a lagging, hiring process or what accounts for the gap?

Executive Director Goldzband replied: That happens a lot. Poor Cheneé has to deal with that.

Ms. Williams added: Yes it does happen a lot. The Department of Finance gives us an authority and we up to a certain amount to spend but then during the year some things have changed. It could be a hiring. It could be projects. It could be a number of things. I know last fiscal year we were going to spend up to \$400,000 of the Bay Fill but we only ended up spending a little over \$300,000 and that was because of the timing of the hiring.

Commissioner Randolph continued: Do those funds carry over?

Ms. Williams answered: No. Those funds do not carry over because one way or another Department of Finance has given BCDC an authority. So we can't go over that amount unless it is an extreme circumstance which would mean additional paperwork.

Executive Director Goldzband added: And more to the point, I mean, probably me being fired. And so the previous times that we have gotten the GGRF Cap and Trade money those have been available for two years. But we made a bargain and basically said, we are not going to take the annual Cap and Trade dollars that are available over two years – instead we are now being given baseline funding out of Cap and Trade, a 1.841 million annually and that has to be spent during that fiscal year or at least encumbered in that fiscal year and then it just ends and then next year we will also get 1.84 et cetera, et cetera.

Ms. Williams stated: Also with the Greenhouse Gas starting in fiscal year 2017 it was the timing of BCDC receiving the funds. We were supposed to receive them a little bit earlier than what we did. So that is why it changed to how much we expended.

For fiscal year 2017/2018 we were planning on spending over \$250,000 however because of the timing we had to change and we only spent a little over \$480,000. So the timing of the funding affected this.

Commissioner Nelson commented: I want to make sure I heard you right. The Greenhouse Gas funds, the Cap and Trade funds are 15 percent roughly of our budget at this point.

Ms. Williams responded: So if we go back to the second slide we see that we have 2.09 in our General Fund and our whole income is 12.82 so we are looking at about one-sixth.

Executive Director Goldzband chimed in: Fourteen percent but the 12.82 includes the one-time 2.87 to Metro Center which is going to be spent this year. And that is not ongoing. So I look at us as having essentially a 10 million dollar budget.

Commissioner Nelson continued: So the word I am focused on there is where it says 1.84 baseline million, baseline funding. So you talked about this year and next year in terms of us having to spend and encumber the money but as we look out at the future how reliable are those funds as we look several years out? Should we think of them the same way we think of General Funds?

Executive Director Goldzband replied: Yes.

Commissioner Nelson continued: So the Legislature can change its mind on that?

Executive Director Goldzband answered: The Governor can change his mind. The Legislature can change their mind.

Chair Nelson stated: But we should think of this as reliable funding and not one-time or three-year funding.

Executive Director Goldzband replied: Correct.

Chair Nelson observed: That leaves us with a 15 percent hole.

Mr. Goldbeck added: and also as you know these funds they come through the Cap and Trade Program which can vary for a number of factors not only because of the economy but because of expectations about the need for carbon offsets and such. So it isn't like now we are on some sure thing but there is still variability.

Commissioner Nelson continued: If the deal with Finance was we are going to give this to you for three years and then we are planning to cut you off.

Executive Director Goldzband responded: Well and that's the difference between what Cheneé has had to go through the last two and a half years versus now.

Previously Steve would go up to Sacramento and work with the Coastal Conservancy and the Coastal Commission to try to grab a little bit of GGRF Cap and Trade funds and we got \$500,000 two fiscal years in a row on essentially a one-time basis.

And so now we are not getting that although we have a little bit of carry-over this year from the previous year that we can use. Now it is just straight on, 1.841 until the program changes.

Commissioner McGrath commented: First of all I'd like to thank Larry and Cheneé for the transparency of this. It is a complicated budget and I think it is fairly and well laid out and I appreciate that. Not everybody practices transparency.

I am mindful of the letter we have in our packet complaining about inefficiencies. So I paid some attention to the budget and I looked at the \$284,000 which was expended from the Bay Fill Clean-Up Fund which I contract to salaries of the people that track. And of course if nobody violated we wouldn't have to hire people to make sure that there are consequences when you violate permits. It is about 2.5 percent of our budget and it is tracked to the actual activity and it is actually less than the cost of the activity if you look over time.

So in effect what I wanted to note in response to the comments we received – we are subsidizing violators which is not something I am particularly approving of. If you look at the fees for permits they total on the average about \$600,000 a year in our budget. So we are subsidizing permit applicants.

Now I am less troubled about that given the housing crisis in the Bay Area. I just wanted to point out for the record that there is no untoward use of staff for anything that is required. It is a principle in the authority that the Legislature has given administrative agencies for enforcement that they can recover staffing costs and we aren't.

So I just wanted to make that very clear on the record.

Chair Wasserman continued: Thank you very much for the report. That will bring us to Item 11.

11. Briefing on San Francisco's Southeast Waterfront and the Blue Greenway. Chair Wasserman stated: Item 11 is a briefing on the San Francisco Southeast Waterfront and the Blue Greenway. Shannon Fiala will introduce the topic.

Planning Manager Fiala addressed the Commission: Today we are going to receive a briefing from Uriel Hernandez who is the Southeast Area Manager from the San Francisco Parks Alliance. This will provide some context for the upcoming project that a priority use area boundary change at India Basin as well as the upcoming permit for that project.

Mr. Hernandez presented the following: My name is Uriel Hernandez and I am the Southeast Area Manager for the San Francisco Parks Alliance. As the Southeast Area Manager I work with the Parks Alliance's several fiscally-sponsored, community groups in the southeast as well as managing the collaborations with city agencies and private entities on special projects along the Southeast Waterfront and the Blue Greenway.

I am here to present some information on the Blue Greenway as an overall initiative. It has been a while since this program was brought before this body and several of the related projects have made a lot of progress in recent times.

The San Francisco Parks Alliance is a non-profit, leading the efforts behind the Blue Greenway turning it from a vision to reality. And the Blue Greenway is a multi-agency effort to create 13 miles of new parks and trails along the San Francisco Southeast Waterfront.

This is the largest effort to revitalize any section of San Francisco's Waterfront in recent history and is the most comprehensive, open-space, planning initiative for the City's eastern neighborhoods.

The main effort of this is to make it easy for residents to get outside and connect to the Bay, to travel between neighborhoods and just make the most of this fantastic, geographical resource that we have available.

This slide shows the coordinated effort from the Southern Bayfront Strategy which is a negotiation project developed by the Office of Economic and Workforce Development to help guide new investment towards community and citywide public benefits such as affordable housing, open space and sea level rise protections.

This strategy directly supports the goals of the Blue Greenway by using targeted negotiation to leverage proposed investment towards coordinated community and citywide public benefits with a focus on housing, affordability, transportation, sea level rise protection, open-space sustainability, economic and workforce development and creating new community facilities.

The Blue Greenway is an initiative. It is a strategy. It is a coordinated effort that is spearheaded by the Parks Alliance to ensure that all of these new developments along the waterfront provide access, provide open space and provide a place where people of all backgrounds can come and utilize the water.

The overall Blue Greenway is managed by the Parks Alliance. Our mission statement is pretty simple. We champion, transform and activate parks and public spaces throughout the City.

We champion them as the only city-wide, parks-advocacy organization. We support all neighborhoods, 350 parks and thousands of public spaces by ensuring that parks and open spaces are well-funded and maintained.

We partner with more than 200 community groups and numerous neighborhood organizations and city agencies to transform public spaces through community vision and hands-on opportunities to create beautiful and unique community spaces.

We foster creative ways to engage our neighbors and invite them into their parks and public spaces. We host movie nights, music festivals, mural painting, mulch spreading and we make nearly 1,000 fun and free outdoor events possible every year throughout the City.

We support our parks through signature philanthropic events such as our upcoming Party for the Parks, our inspiring Parks, Cities and People Breakfast. We do all that we can to bring philanthropists and local luminaries together for a great cause.

We bring all of these skills to the Southeast Waterfront through our work on the Blue Greenway. It is a 13-mile, waterway network and greenway connecting the southern portion of the City. It brings the Bay Trail, the Bay Water Trail, further connects those.

Historically this has been a center of heavy industry within the City. Currently there are a number of under-served and economically-disadvantaged communities present there. It has a very high population of youth and children within the City with a number of environmental concerns and a lot of clean-up that still needs to happen.

Additionally, there are 13 major, land-owning entities along the Southeast Waterfront with properties on the Blue Greenway including city, state and private entities.

It links a number of neighborhoods, Mission Bay, Dog Patch, Potrero Hill, Bay View, India Basin and Hunter's Point. Most of this is District 10, the Southeast Waterfront. There remain a lot of gaps in this network.

When this project first began there was very poor connectivity between open space and between these neighborhoods. You couldn't really go north to south along the waterfront.

In 2005 the Park Alliance, SPUR and then-Mayor Gavin Newsom co-chaired a task force to develop a blue greenway vision to rectify this and to connect the parks and open space along the City's industrial, eastern waterfront.

The Blue Greenway Task Force represented over 16 City agencies and 30 neighborhood associations, non-profits, businesses and concerned citizens.

The Blue Greenway vision imagines a working, urban waterfront that invites public use, enjoyment of and access to the water. Imagine an environmentally-sustainable and accessible shoreline; one that is safe and healthy for people as well as wildlife. Imagine a premier public, open-space on the Bay; a place that provides for public life, recreation and enjoyment, connects San Francisco's eastern neighborhoods to their waterfront and serves as a catalyst for responsive and responsible development, employment opportunities and economic vitality.

That is the vision behind the Blue Greenway and it also works to improve the San Francisco Bay Trail and the Water Trail along the southeast part of the City.

The efforts of the Blue Greenway further the connectivity of these two trails by ensuring the participation of the projects along the waterfront. We have to make sure that the participating projects play their part and allow for connectivity, access and for people to be able to get from neighborhood to neighborhood.

The players that helped develop the Blue Greenway were involved in the task force that created this vision statement. We have a number of agencies and community groups involved.

Some of the projects included in the Blue Greenway along the Southeast Waterfront include China Basin Park located at the mouth of Mission Creek, Mission Bay and the Warriors Arena as well as the Chase Center and Mission Rock, Crane Cove Park which will include approximately seven acres of open space, the Pier 70 Project which is a 69-acre property owned by the Port of San Francisco and Islais Creek which is one of the most complicated spots of the Blue Greenway.

All of these projects come with a robust, community, engagement process. Studies and assessments have been completed for many of these projects to ensure resiliency and community needs being met.

This project consists of multiple sites but because of the Blue Greenway and the efforts of the participants they will all have a very similar feel to them, be connected and be a very streamlined, open-space experience for the public.

As you have heard all of these projects along the Southeast Waterfront are part of a larger vision for the Bay Area that will greatly improve the experience of the Bay for residents and visitors alike.

If you have any questions I am available. The Project Manager with the Recreation and Parks Department is also available to answer questions. Thank you.

Vice Chair Halsted was recognized: I commend the Parks Alliance for taking on what is a very difficult project. I was part of the initiation of the project so I am aware of how difficult it is to connect these areas.

I am a little disappointed that we haven't been able to do more between Mission Creek and Pier 70. I wonder if there is some way BCDC could assist in this. Is there any way we can make the shoreline of Mission Bay more accessible to the public through BCDC's adaptation efforts? I would like to raise that as something staff would like to think about and see where we might be of help.

I think you are doing a great job and it is a very tough project. The most southern part of the waterfront looks like it is the most successful probably because there was the least development to begin with and you can create a connected trail there more easily.

I think Pier 70 might be even better connected back into the part to Mission Bay than it is.

Is there any way someone coming down Third Street would have a sense that they are on something that is connecting to the water? Is there any signage or identification for the Blue Greenway in all the different pieces?

Mr. Hernandez replied: I believe that there are Bay Trail signs there and the Blue Greenway is the Southeast Waterfront section of the Bay Trail.

Vice Chair Halsted requested: I would urge our staff if there are any opportunities to find ways to make the actual water's edge more accessible to the public that we connect with you and connect with the Blue Greenway and the Port of San Francisco to do that.

So thank you very much for what you are doing and please extend that to your management and to the people you are working with. I really appreciate your efforts.

Mr. Hernandez replied: Thank you Vice Chair Halsted. This is like herding cats. (Laughter)

Commissioner Nelson commented: As each of one of these parks comes to the Commission there are going to have to wrestle with sea level rise as a part of our permit process.

Can you tell us if you are trying to find ways at this planning and programmatic phase up front to start incorporating sea level rise concerns and adaptation into the planning effort for this really, ambitious program?

Mr. Hernandez explained: I know that the permitting is generally project by project. The Port is sure to incorporate a lot of these sea level rise concerns into their projects along the waterfront.

Ms. Angsuko addressed the Commission: I am Charlene Angsuko, Project Manager with the San Francisco Recreation and Parks. Our strategy for sea level rise takes into account the City-wide standards which are in the process of being updated.

Each of the different property owners are abiding by the state Ocean Protection Council requirements. And you will see that as they come before you. For India Basin Recreation and Park owned properties we have actively considered sea level rise in the planning and design of the property. We have moved infrastructure up so it clears the 2100 sea level rise projection ranges.

Commissioner Nelson replied: I am trying to make sure I understand how these issues are being addressed up front in the planning process instead of at the end of the permit phase.

Ms. Angsuko added: And we are looking to San Francisco Planning for guidance on some of these as well as guidance from BCDC.

Commissioner McGrath commented: One of the benefits of the aging process is you get to see some of the visions come to fruition. Back in the early part of this century a group of kayakers recruited me for the board of Bay Access and I see Laura and Ben here and they created a vision for a water trail. I toured this area by kayak and by foot back in those days with some of the activists that did this.

And there was nothing. There was no way to get to the water. We did manage to pull up our kayaks up to the ramp and have a beer and a burger but to see what as envisioned and is on its way is truly remarkable. I just wanted to thank all of the entities involved.

It is not axiomatic that institutions who have an agenda necessarily embrace the changes that are coming with redevelopment. And in this case particularly the Port of San Francisco and all the entities and stakeholders did. It is heartening to see what you proposed.

I am sure it could be better but it is a whole lot better than it was.

Commissioner Ahn was recognized: Would you please go back to the slide that listed all of the organizations that you have collaborated with. This is a very impressive list.

Do you still check in with any number of these listed organizations? How does that process work for you in terms of collaborating with particularly, local, CBO, community-based organizations on the ground?

Mr. Hernandez replied: Sure. It definitely comes in spurts depending on where in the process the project is. As projects progress we are reaching out to many of these groups. For the India Basin Project we are working on an equitable, development plan to ensure that the Park is created equitably and that the community benefits from it economically and that it doesn't displace people and to make sure to hit all the concerns that the community has.

In order to do that and have a properly, community-informed plan we have to reach out to as many stakeholders, as many people that are involved with this Park as possible.

Commissioner Ahn added: And maybe one thing to communicate back to folks now proposing projects as well is the work going on with the Environmental Justice Working Group in particular.

Of course we haven't passed that amendment yet but I do think it would be useful for you to connect with BCDC staff and that is Clesi Bennett and Shannon Fiala just to make sure that adequate outreach is being done because that is one of the principles behind our environmental justice work.

Chair Wasserman continued: Thank you very much for your presentation and for your work.

12. Briefing on San Francisco Bay Area Water Trail. Chair Wasserman announced: That brings us to Item 12 which is a briefing on the San Francisco Bay Area Water Trail. The presentation will be made by Ben Botkin a Water Trail planner who will brief us on this topic.

Mr. Botkin addressed the Commission: I am Ben Botkin, Planner for the Bay Area Water Trail, employee of MTC. This is a project of the Coastal Conservancy now. Project Manager Avra Heller is here as well. I want to provide you with an update of where we are today.

The vision for the Water Trail is to enhance access to the Bay Area's largest open space that being the waters of San Francisco Bay. It is about 500 square miles of which are navigable. We are working to build a network of launching and landing sites for non-motorized, small boats.

Included in this category are kayaks, wind surf boards, kite boards, stand-up paddle boards and some of the team craft like Dragon boats and outrigger canoes. So we are working to enhance facilities and access for this community under the broad umbrella of the Water Trail.

The vision is to provide a programmatic approach to protecting the access that we have and planning for future growth. And staff at BCDC has been fantastic about working closely with the Water Trail outreach to us as projects come along to make sure that we are considering whether sites are suitable for water access.

We are promoting safety and environmental education. We also have a grant program that is funded by the Coastal Conservancy. That provides an important source of funding to enhance facilities and provide planning for these non-motorized, launch facilities.

We are working to create opportunities for everyone to be able to take part in access to the Bay. We have a lot of great community groups doing a lot of important work.

The Water Trail Act was passed in 2005 as a result of all the work that went on by Bay Access, the National Park Service and advocates to get that passed by the Legislature.

In 2011 BCDC then took it after the legislation was passed, developed the Water Trail Plan and that was adopted in 2011 and that was also when the EIR was certified and we designated our first site into the Water Trail.

At that point the project was handed over to the Coastal Conservancy which completed the Accessibility Plan. And then bringing us up to today this year we recently published our design guidelines as well as designated our 45th site.

After the legislation was passed BCDC started a steering committee, a broad-based group of access and wildlife and Coast Guard safety interests to develop what would ultimately become the Water Trail Plan. They created a vision statement, a number of white papers, many workshops and a lot of outreach that resulted in the Draft Water Trail Plan in 2007.

That then kicked off the EIR process which had to be recirculated and took a bit more time and so it wasn't until 2011 that the Plan was finalized and we could really get going with implementation.

As part of the plan that BCDC developed it guides everything that we still do today in terms of how the program is implemented. It includes 28 development and management strategies. Those include improvements to launch locations, developing design guidelines, overnight accommodations and programmatically enhancing accessibility, the nexus between habitat restoration projects and public access and then encouraging stewardship.

When you are actually getting into the water it is really important to you that the water is clean and that the environment around you is healthy. It is a great way to promote stewardship – getting people out on the water.

The program is being implemented in three, broad categories of planning and partnerships, facilities and grants and education and outreach.

The Project Management Team for the Water Trail is led by four agencies – the Coastal Conservancy being the lead agency. It is staffed at ABAG/MTC within the Bay Trail Program. BCDC is on our Project Management Team as well and an active member and California State Parks Division of Boating and Waterways as well. These four provide the broad agency oversight which is then informed by our very broad-based Advisory Committee which includes accessibility experts, some of the wildlife agencies, the Coast Guard, tourism and all the local park agencies.

We move forward and make progress on the Water Trail through quarterly meetings. At these meeting which are open to the public staff will provide an update on what has gone on within the last quarter. We discuss any ongoing planning projects or documents that are being developed. And then a site is presented for designation.

And so the Water Trail is an entirely voluntary process where whoever is the managing entity at that site will nominate themselves often times working closely with staff to make sure it is a site that we think would be eligible to join the Water Trail and then that comes before our group and then the Advisory Committee will make a recommendation as to whether there should be additional enhancements to the site or whether it should be eligible for inclusion and then the project management team would vote to designate the site into the Water Trail.

As of right now we have 45 sites officially designated. We have been able to make significant progress in the last couple of years with the completion of the Accessibility Plan. Sites go from all the way up the Napa River to all the way down in the South Bay in Alviso and we go as far east as Big Break in eastern Contra Costa County.

When we are looking at whether a site would be eligible to be included in the Water Trail we look at the type of access that it provides. We don't want to be sending people to some of the muddy, dirt sides of sloughs to get into the water. We consider the safety of the environment around the site. We also consider whether there are sensitive resources nearby that we want to make sure people are aware of and know to avoid. We can also advocate for improvements at these sites.

Once a site is designated it then becomes eligible for our grant program. We put educational signage out there and then include information about it on our website and in outreach events.

We work closely on a number of different issues to provide programmatic approach to enhancing access. That is really the goal here is to make sure we are thinking across the nine counties for how can we really improve access for everyone to the water.

One of the key documents is the design guidelines to help as shoreline development comes along to make sure that we are developing facilities that users actually want to use to get into the water.

The Accessibility Plan divided the Bay up into about 14 different geo-regions with the idea that people shouldn't have to travel too far from their home to get an accessible launch but the realization that for cost considerations it may not be realistic to make every single site fully accessible.

Our goal is to have at least one broadly, accessible site per geo-region. Right now we have 12 out of the 14 broadly accessible with another project to make one more of those geo-regions accessible.

We developed our design guidelines to be user-friendly and we try to have a lot of pictures and graphics so that it makes it easy for people to understand what makes for a good launch and types of things they could be considering.

We also work very closely with some of these ongoing projects. We work very closely with BCDC staff on these projects as they come forward.

We are really dependent on partnerships. The work that BCDC does in public access is so critical to the work that we do and to enhancing access to the Bay. This enhances the quality of life for the seven million people who live here.

We also work closely with a lot of the user groups, the Board Sailing Association, Bay Area Sea Kayakers, Western Sea Kayakers, the Dragon Boat Club and a lot of different entities that are out there. We help to link them as part of this larger effort.

Our Water Trail Grant Program was critical in helping to get certain projects moved along. This program and the funding that comes from the Coastal Conservancy is an important part of the access to the Bay and is critical to helping to get these projects to the finish line.

We have provided at this point six grants. They are Ferry Point in Richmond, Point Isabel, Petaluma Small Craft Center, Berkeley Marina, the Antioch Marina and then McNears Beach County Park.

With the Water Trail and education outreach we are trying to create and foster a culture of safety and stewardship to make sure that people know when they are getting out on the Bay this isn't a little pond, this isn't a little lake – you have to know what you are doing before you get out there and make sure you plan ahead. Tides and winds can make a huge difference in the experience that you are going to have out there.

And then we also want to create that culture of stewardship. For the most part there is a pretty big overlap with people that care about the Bay and the people that are expending their time recreating there. We are helping to encourage good behaviors for people that are new to the water but then also taking part in coastal clean-ups and making sure that we are taking care of the Bay.

We promote our education and outreach through our website. This includes all of our designated sites as well as broader, comprehensive information. To have it all in one place is really a great service to the public.

We also do a lot of outreach and you can see some of the presentations we make to any number of groups. We table at various events which helps further our outreach goals.

We think the Water Trail has a huge potential to do interpretive programming and to really allow people to see firsthand some of the impacts of sea level rise.

And lastly, we are really working to create opportunities for all. There are a lot of great organizations that have been doing this work for a long time to help get people out onto the water. We recognize that there are a lot of barriers between getting from the shore and out onto the water.

A critical component to the Water Trail is the programming, the vendors, the concessions; the people that can help get people that aren't the fanatics out onto the water with low-cost programs and overnight accommodations.

I want to thank BCDC for all the fantastic work that you are doing and your involvement on the Project Management Team. As restoration projects come along we think that the Water Trail can be a critical aspect of the way the public experiences these projects. That is all I have, thank you.

Commissioner McGrath commented: Ben is fantastic and from the board sailing community, from the kayaking community he is everything we could have possibly hoped for and more.

I think Ben under-emphasized the nature – most of you have probably seen the history of the Save the Bay movement and the three women and a few men who started this effort. David Lewis chose to have his picture taken for that in a kayak at Crissy Field.

I think it denotes what the Bay is to me; there is an emotional connection. I know our chair is a diver. I know that when you are in the water and when you have a relationship with it you form an emotional connection that makes you an advocate for preserving.

It is important to do that. It is important to recognize that. In terms of protecting the members, protecting wildlife and advancing access for people with disabilities the Water Trail has been just fabulous.

Chair Wasserman continued: Thank you very much. I would entertain a motion to adjourn.

13. **Adjournment.** Upon motion by Commissioner Nelson, seconded by Commissioner Peskin, the Commission meeting was adjourned at 3:13 p.m.