

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

**SUBJECT: Approved Minutes of August 20, 2020 Virtual Commission Meeting**

1. **Call to Order.** The virtual meeting was called to order by Chair Wasserman at 1:04 p.m. The meeting was held online via Zoom and teleconference.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Addiego, Ahn, Alioto-Pier, Beach, Butt, Chan (represented by Alternate Gilmore), Cortese (represented by Alternate Scharff), Gioia, Gorin, Gunther, Peskin (represented by Alternate Stefani), Pine, Ranchod, Randolph, Sears, Showalter, Techel and Wagenknecht. Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Secretary for Resources (Eckerle), Department of Finance (Finn), State Lands Commission (Lucchesi), Solano County (Spering), Department of Business Transportation & Housing (Tavares), U.S. Environmental Protection Agency (Ziegler)

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

Chair Wasserman gave the following instructions: Now, I want to quickly share some instructions on how we can best participate in this meeting so that it runs as smoothly as possible. First, everyone, please make sure you have your microphones or phones muted to avoid background noise. For Commissioners, if you have a webcam please make sure that it is on so everyone can see you. For members of the public, if you would like to speak either during our open public comment period or during a public comment period that is part of an agenda item you will need to do so in one of two ways. First, if you are attending on the Zoom platform, please raise your hand in Zoom. If you are new to Zoom and you joined our meeting using the Zoom application, click the Participants icon at the bottom of your screen and look in the box where your name is listed under an Attendee, and find the small hand to the left. If you click on that hand it will raise your hand. Second, if you are joining our meeting via phone, you must press \*9 on your keypad to raise your hand to make a comment. We will call on



individuals who have raised their hands in the order that they are raised. After you are called on you will be unmuted so that you can share your comments. Remember, you have a limit of 3 minutes to speak on an item. Please keep your comments respectful and focused; we will mute anyone who fails to follow those guidelines or, at worst, dismiss them from the meeting. Every now and then you will hear me refer to the meeting "host" — our BCDC staff is acting as hosts for the meeting behind the scenes to ensure that the technology moves the meeting forward smoothly and consistently.

BCDC has also established an email address to compile public comments for our meetings. Its address is [publiccomment@bcdc.ca.gov](mailto:publiccomment@bcdc.ca.gov). I have received emails from [insert #] parties that have been shared with all the Commissioners prior to the meeting. If we receive any emails during the meeting they will be shared with the Commissioners and be made available on our website [bcdc.ca.gov](http://bcdc.ca.gov) along with the public comment emails we already have received.

That brings us to Item 3, Public Comment Period. If anyone wants to address the Commission on any matter on which the Commission has not held a public hearing or is not on today's agenda, you will have three minutes to do so.

Ms. Atwell announced: No hands, Chair Wasserman.

Chair Wasserman acknowledged and continued: Thank you. That concludes our Public Comment Period.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the July 16, 2020 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of July 16, 2020.

**MOTION:** Commissioner Randolph moved approval of the Minutes, seconded by Commissioner Gorin.

The motion carried by a voice vote with no opposition. Commissioner Ranchod voted "ABSTAIN."

5. **Report of the Chair.** Chair Wasserman reported on the following: I am sorry to announce that Commissioner Techel has told us that she will not be running for re-election this fall which means that she will end her tenure on BCDC in December. While we lament her departure, it will be felt most by members of our Enforcement Committee and our Enforcement staff where she has been a stalwart member of the Committee and has worked hard to make sure that enforcement program has improved over the past couple of years.

In addition, she has asked penetrating questions of those who have appeared before the Committee and has helped lead the Committee as it has made its difficult decisions. We will miss her starting next year.

Our Executive Director has already requested that ABAG begin the process to fill the existing vacancy for the South Bay seat as well as for its North Bay seat which is the seat that Jill holds. Jill, do you want to say anything?

Commissioner Techel commented: It has been eye-opening to serve on our Regional Board with people from so many different jurisdictions. My heart goes out to the big-city mayors. It's been interesting to have a bird's-eye-view of the challenges they face.

And it has been wonderful to get to meet everybody and to work with them. So, thank you for the opportunity.

Chair Wasserman continued: Thank you for your service.

a. **Resolution for Dr. Brian Marone.** Another BCDC stalwart has announced his retirement. We all have listened over the years with great interest as Dr. Brian Maroney of Caltrans has presented the Commission with gripping presentations covering a variety of policy options for the Bay Bridge. I would like to ask Regulatory Director Brad McCrea to present a resolution of thanks to Dr. Maroney.

Regulatory Director McCrea read the resolution: We prepared this resolution for him and I think the best way to go ahead and say a few things about Brian is to actually read the Resolution.

Whereas, young Brian Maroney was nurtured along the Illinois River, rooted hard for his hometown Bradley Braves to qualify for the NCAA basketball tournament, and then grasped Horace Greeley's acumen by traveling westward to Colorado State University where he earned his undergraduate and Masters degrees; and,

Whereas, Fort Collins was not westward enough, so not-quite-as-young Brian Maroney drove over the Rockies and across the arid west in a Ford Mustang with a bicycle, a stereo, and a box of clothes and sought employment with Caltrans in its Office of Earthquake Engineering; and,

Whereas, during his 37 years at Caltrans, Brian Maroney has put his stamp of approval on thousands of projects as a member of and Chair of the Caltrans Structures Design Earthquake Committee and has reviewed and managed numerous other projects including seismic retrofits of bridges and railroad spans; and,

Whereas, Brian Maroney's on-site assessment of the failed Cypress structure on the morning after the Loma Prieta earthquake inspired him to ensure that all Caltrans structures were safe and reliable, and spurred him to earn his doctorate from U.C. Davis; and,

Whereas, Dr. Maroney, as an Adjunct Assistant Professor at the University of California, Davis, taught hundreds of engineering students how to be the best engineers possible; and,

Whereas, Dr. Brian Maroney, Chief Engineer of Caltrans' Toll Bridge Program, has been a regular and welcome participant for over 25 years in the Commission's discussions concerning the new eastern span of the San Francisco-Oakland Bay Bridge during its visioning, design, construction, and operation; and,

Whereas, Dr. Maroney's energetic, clear, and yet not-so-concise briefings to BCDC's Commissioners and staff took advantage of an opportunity to educate non-engineers in ways that they could both understand the technical issues and communicate them to their stakeholders; and,

Whereas, in 2016, Dr. Maroney was honored with the Metropolitan Transportation Commission's "Greta Ericson Distinguished Service Award" due to his unfailing ability and willingness to explain the challenges facing the State's building of the new eastern span and how they should best be met; and,

Whereas, in his final presentations to the Commission, Dr. Maroney proposed a groundbreaking scheme to implode the remaining concrete piers of the old Bay Bridge eastern span, which protected Bay-dependent species and reduced taxpayer costs, and resulted in two unique public access points over the water from which to experience the San Francisco Bay and the new bridge; and,

Whereas, Dr. Maroney has announced his retirement from Caltrans despite the Commission's continued willingness, if not eagerness, to experience yet another insightful, interesting, and dramatic public briefing describing the challenges faced by Caltrans' engineers;

Therefore, Be It Now Resolved that the San Francisco Bay Conservation and Development Commission thanks Dr. Brian Maroney for his diligence and creativity, and his unwillingness to cut any corner as Caltrans and the Commission worked together to permit and support the concepts, designs, construction, and continued operation of the Bay's bridges, and wishes him a most happy, healthy, and safe retirement.

Signed, R. Zachary Wasserman, Chair.

Brian I would like to say that your success is due to your excellent communication skills and a straightforward, genuine manner and as far as we can tell you are a darned, good engineer as well.

The people of California don't know how lucky they are to have had you serving the entire state for the past four decades.

So at this time if you would like to say a few words I am going to ask you to unmute yourself and the floor is yours.

Dr. Brian Maroney stated: Brad I don't know where you got all that information particularly the Bradley Braves where my parents went to school when I was in high school and grade school that is where I went to basketball camp every summer. Brad, you're tearing at my heart here.

First of all I want to share and express a heartfelt feeling. This is amazing and it is unheard of at Caltrans. I am honored and at the same time I am humbled.

I am always awkward about receiving recognition or awards because I grew up in the Mid-West so I was taught that an assist is just as important as a goal or a basket. And I took that to Caltrans and I was so lucky for 20 years I only had one person on my immediate staff consisting of 12 to 15 people – only one person ever quit on me. And that team at Caltrans was amazing.

What I personally feel with respect to BCDC was a team like BCDC, Caltrans and MTC and others like the Water Control Board and others – I think – on all the projects we worked on we really tried not to say who was in charge; we tried to respect everybody's needs, everybody's assignments and there wasn't anybody that was king or queen, it was a team. And I really truly believe working with you and your staff we were a team which to me is the ultimate.

I learned a long time ago; any team can do far more than any one or two people can ever do. So I really wish to express my appreciation for that.

I would be wrong to not express to the Commissioners – I cannot say what a pleasure it has been working with people like Regulatory Director McCrea and he did so many more things. His continued support and advice was incredible. I mean I could call him up and many times I felt like I was the only person at Caltrans that wanted to get certain things done and everybody was telling me no and I would say – we are going to call BCDC and we are going to ask them. We are going to find out if they are thinking the same thing.

And every single time Brad McCrea was there to say – let's not quit. Let's go through this and the partnership that Mr. McCrea provided me was amazing.

Executive Director Larry Goldzband was such that I always felt like he was an uncle in the shadows. You would come out and give support during the big meetings and give advice and then afterwards I would get a pat on the back. I really, really valued that, Director Goldzband, I really did.

I don't know how much the Commissioners know about how your advisory groups work. You have an advisory group of engineering engineers and one of architects and planners and they both are very special – the Engineering Criteria Review Board and the Design Review Board.

I went to school in a lot of different places and my doctorate is in structural engineering and the places that I went to school, Colorado State, U.C. Davis – the textbooks that I learned from – I come out to California and I get assigned to work on the toll bridges and the first assignment is to go to these advisory panels. And I came down to see who they were and all of a sudden it is Joe Penzene, Joe Nicolette, Dr. Ed Wilson; these are the gods in my world.

So BCDC had incredible people on these advisory panels and not everybody at Caltrans likes working with BCDC (group laughter). And I always thought – are you kidding me – this is like a free check with some of the smartest people on the planet. I was like; I love this.

I have to tell you being a basketball fan; I don't want to play against somebody I just want to beat, I want to play against the best. And you guys made me and my team better because when we would go in front of people like Joe Nicolette, Ed Wilson, Joe Penzene and Karen Altshueller who is currently the chair of the DRB – you feel an obligation to do well in front of them and prepare.

And Brad McCrea and his staff helped me and my staff. And my incredible Environmental Manager, Stefan Galvez couldn't have done it without all those. I want to express for sure that it was an incredible team and I thought BCDC was part of it. And it wasn't just the Bay Bridge. I actually think things that we did together on Dumbarton and other bridges were just as amazing.

I am going to embarrass Brad one more time. I had a great director named Will Kempton and he trusted me completely. On Yerba Buena Island there was a time when we literally cut out 300 feet of double-deck, steel truss that was 80 years old – rusted, cracked and BCDC carefully reviewed to make sure the criteria was right, make sure that they saw what we were thinking and what we were doing and people from BCDC were out there watching it, supporting us; I just really, really respected that.

And without Mr. McCrea's support and the rest of BCDC and the Commissioners that roll-out/roll-in which cut a year and a half off the schedule would have never been done and it's probably the wildest bridge engineering the state of California has ever done.

And then the Oakland touch-down, south side detour – once again, we had to go back to BCDC to get a permit change and it cut nine months off of the schedule.

And then of course the foundation, controlled implosions – I don't know if the Commission knows this. But Stefan Galvez and I used to like to get all the permit, resource agencies all together in a room and we would have a one-day workshop. We did this once every year or once every two years and I was not allowed to put in the original environmental document the idea of controlled implosion. I was told it was too controversial we are not even going to present it in the original environmental document.

But thanks to people like Will Kemp and Malcolm Dougherty and Cindy McKim I was allowed to try again. And Stefan and I brought it up in this meeting just thinking what might happen and Brad McCrea was the first person in the room along with the Corps of Engineers and the U.S. Coast Guard but Brad was first to say – what's wrong with that idea? And that was the beginning of a snow landslide.

And then Steve Himinger from MTC jumped in and before I even had a chance to tell my boss Mr. McCrea and Steve Himinger were on the news saying – this could be a good idea, we are willing to look at it.

I just want to say that this is a perfect example of team, team, team. And it's never one person. The intent is to say that Brad never dismissed my out-of-the-box ideas and that was one of my original assignments.

And then the last thing I want to share with you – I want BCDC to know, you guys hired me. I was happy working up and down the state of California on bridge design and construction everywhere. I was very happy and I happened to be lucky enough to be the chair of the Earthquake Committee and Design. I was loving work and it was challenging.

In 1993 or 1994 three very good people from Caltrans went down the Engineering Criteria Review Board and they make a presentation and Dr. Ed Wilson simply ripped them a new one and somebody came back and they were really irritated and I got called into a meeting.

Shortly thereafter Northridge hit and I was assigned to work on the Northridge issue. And then the Seismic Advisory Board wrote a letter that was pretty scathing about not enough progress had been made on the toll bridges.

So between that BCDC meeting and the Engineering Criteria Review Board meeting that got into the newspapers and the Northridge Earthquake I got dragged kicking and screaming from working up and down the state to being assigned to the toll bridges.

And then after that I was blessed to have support from BCDC, the U.S. Coast Guard and many other resource agencies. So just know that you should be careful what you say – you might get people like me. And I am grateful for the support that you gave me.

You were so open-minded about thinking outside of the box. And I always like to tell directors at Caltrans – if you think a standard solution works for a non-standard problem then you are probably wrong. And BCDC is one of the most out-of-the-box thinking organizations I've ever met.

So good for you and I was blessed to have had a chance to work with you and your staff. So thank you very much.

Mr. McCrea continued: Thanks so much Brian. I am glad we agreed on a two-minute talk from you. (Group laughter and applause)

Chair Wasserman chimed in: Thank you very, very much Brian for your comments but, more importantly, for your work and your creativity in thinking outside of the box. And I will issue a standing welcome for you to come back and talk to us about interesting, engineering ideas. Thank you, sir, for your service.

**b. Next BCDC Meeting.** We will hold our next Commission meeting on September 3rd. That meeting also will be held virtually and we expect the agenda to include:

(1) A public hearing on the proposed Bay Plan Amendment to allow berthing of a historic ship along the San Francisco waterfront, and

(2) A public hearing and possible vote on the proposed Rehabilitation Project for the Alameda Marina.

**c. Ex-Parte Communications.** This is the time if any Commissioners have had ex-parte communications on any adjudicatory matters coming before the Commission to make a verbal report if you've not already done it in writing remembering that you do need to submit it in writing. Does any Commissioner wish to report an ex-parte communication? Ms. Atwell announced: No hands raised. Chair Wasserman continued: That brings us to Larry Goldzband's Executive Director Report.

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

The most interesting things happen on the same day. For example, this afternoon you will be briefed on two very different planning proposals that raise very interesting questions. First will be a briefing from the state's Department of Water Resources on its Delta Water Conveyance proposal which is the subject of much north versus south and agriculture versus urban versus environment contention. Immediately afterward, you will be asked to comment on BCDC's BayAdapt program, a voluntary planning program to create a framework that our region can use to ensure a robust and successful reaction to rising sea level. Each of these arrangements has its proponents and its opponents and its skeptics; today you will be able to learn about all of them. Perhaps given the temperatures we have seen during the past week it is appropriate to quote the Wizard of Ooze, the late Senator Everett Dirksen, who once remarked, "When I feel the heat, I see the light."

**a. Budget and Staffing.** First, our summer of virtual interns is coming quickly to an end. Our eight graduate planning interns are completing their projects and making their presentations and this is the last week for our second legal intern. Meanwhile, our staff is interviewing to replace Rachel Wigginton, who accepted a promotion at the beginning of July to

become a Senior Environmental Scientist Specialist at the Delta Conservancy and to replace Schuyler Olsson who has moved from Enforcement to Permitting and for another of our open positions. We hope to have good news next month about each of them. In addition, our Civic Spark Fellow, Amber Leavitt, accepted a position with the Coastal Commission, so she will leave BCDC at the end of August. And, because I'm talking about staffing and always thinking about the future, we might have a couple future staff members to announce – Cody Aichele-Rothman of our Planning staff gave birth to a beautiful baby girl earlier this week and Morgan Chow delivered her baby a couple weeks ago, so we'll have to order a couple more BCDC onesies.

Meanwhile, with regard to budget. I actually have some good news. It was announced today by the Department of Finance. The budget for last year ending June 30th for the state of California; the forecast that everybody has been using actually is 1.1 billion dollars low – that is an extra 1.1 billion dollars that made its way into the last state budget which will no doubt help.

In addition, for this year, 2021, the July Budget expectations were exceeded by 2.6 billion dollars which shows the resilience of the California economy.

b. **Policy Issues.** Now for some live ZOOMing. Todd Hallenbeck of our Planning staff, our GIS guru, will make a short presentation on recent improvements to the Bay Shoreline Flood Explorer. Todd will show you our new interactive maps of flooding consequences on regional transportation, housing and jobs, natural areas and vulnerable communities analyzed in the recent Adapting to Rising Tides Bay Area report. Todd, it is all yours.

Mr. Hallenbeck addressed the Commission: I am going to share my screen. I serve as the GIS Specialist for BCDC. Today I am going to spend a few minutes demonstrating some recent updates to the Bay Shoreline Flood Explorer.

Since the Flood Explorer launched two years ago the site has had over 20,000 visitors. The data and tools have been used by many local jurisdictions to inform adaptation planning and has been featured in several news articles increasing the reach of this information.

We recently integrated Art Bay Area data and findings about consequences to regional transportation, housing and jobs, natural areas and vulnerable communities into the Explorer to help the public and our partners understand which regional systems are exposed to flooding and where shared consequences will be the most severe.

We also use this platform to provide direct links to more in-depth, local, vulnerabilities assessments, Art Bay Area report content and other planning resources.

To help educate users about the new data that has been added we included a short learning section in the platform to provide access to the Art Bay Area report to find consequences as those measures of flooding impacts that are not captured by flood exposure alone and provide some examples of why this information is important and helpful in prioritizing actions.

With that background people will be able to explore the maps. The site will look familiar to anyone who has visited. You will also get information about the different sea level rise and storm-surge scenarios that contribute to that total water level.

The new edition is the inclusion of this consequence tab here in the lower, right window. (Mr. Hallenbeck demonstrated these capabilities by actually activating the prompts in the program on the screen) Selecting this brings up a set of icons for each of the consequences that we mapped representing the four, regional systems analyzed in Art Bay Area.

Selecting an icon and a water level will vehicle consequences at 12 inches total, water level and will pop data into the map and displays a legend specific to that consequence.

We provide a lot of resources in the Explorer for folks to better understand the individual, consequence metrics and methodologies through Tool Tips and Glossary Items.

At this regional scale you can not only visualize where there will be highway impacts but also the severity of those impacts as symbolized. You can also see how these impacts vary spatially across the region.

However, many people will want to explore their particular part of the shoreline. So for this example I am going to navigate down to the Peninsula and look at consequences of flooding from 36 inches of total, water level.

Looking at transportation we can view vehicle and truck's traffic impacts as displayed on the map. Clicking these segments will tell us more specific information about the assets impacted, the consequences of that flooding and point to us more in-depth, vulnerability assessments conducted for this area.

We present results in addition to this transportation information we present the results of our vulnerability analysis in this case measuring the number of residential units impacted by flooding for the highest categories of socially vulnerable and contamination vulnerable, block groups.

Housing and job consequences are mapped in the Explorer for the entire Bay Area including those outside priority development areas.

Finally, reflecting ecosystem, service impacts; we present the findings from our Tidal Marsh Habitat and Recreational Visitation analysis at the county scale including those impacts that occur outside of priority conservation areas.

We want to make sure coming to this site know that these consequences are those that we'll see without action and planning and that there is a tremendous amount of work happening regionally and locally to understand and plan for these impacts.

So we continue to make resources available through the Adapting to Rising Tides page to point users to the project's vulnerability assessments and other work happening around the region to plan for these impacts including the Dumbarton Bridge SB 1 Grant, Safer Bay and the South Bay Shoreline Project with information for folks so that they can connect to those projects.

So we hope that this information can help the region better understand how and when flooding will affect the systems we depend on and raise awareness about what can be at risk absent adaptation planning.

So we encourage you to check out these updates and certainly provide us with any feedback or questions you may have. If you would like a more in-depth overview of this data and tools contact me or anyone on the ART Team. Thank you very much.

Executive Director Goldzband continued: Thank you Todd. Any questions for Todd right off the bat? (No questions were voiced) I just want to say that as a non-planner and as a non-GIS person I immediately went into the site and just picked a couple of friend's houses that I knew would be actually wet at some point and it is a remarkable tool the way it was – it is even more remarkable now because you really start to understand what is going to happen and what the effect is going to be and that is the whole purpose of Art Bay Area to begin with. So, we look forward to you and your staff taking a look at it, having questions and answering them. It is good to know that BCDC's Flood Explorer has been updated because the Public Policy Institute of California just published new data on climate change and in the big picture 80 percent of Californians believe that global warming is a serious issue – so that is four out of five. And about three-fourths of Californians are either very concerned or somewhat concerned about rising sea level. I think we can all agree that the context and the milieu in which we are working has pretty radically changed over the last 10 years.

Finally, Secretary Crowfoot has continued to ask the Resources Agency senior staff and directors to meet every Wednesday to discuss COVID-related issues.

Yesterday's meeting dealt with COVID as well as the wildfires. After that part of the meeting we had a focus on a specific, resource-related issue; that being, how Department of Parks and its partners are working on environmental-justice-related, public-access policies. We had a few of our staff listen in and what we all want to do is make our public spaces as welcoming and as friendly as possible to all Californians. I asked those BCDC staffers to participate in the briefing and after we have a discussion we will get back to you and to the Environmental Justice Working Group with anything that we have learned with idea about how we can actually adapt even further.

That completes my report, Chair Wasserman, and I am happy to answer any questions.

Chair Wasserman asked: Any questions of Larry or of Todd? (No questions were voiced)

Thank you Todd for a very good refresher on what the Explorer does and on how we can use it.

I did come across a site that staff may be familiar with. I was not familiar with it. It is called [sealevelrise.org](http://sealevelrise.org) that presents information very simply and clearly so if you are called upon to make a presentation or give explanations; it is a very good resource.

Chair Wasserman announced: That brings us to Item 7, Consideration of Administrative Matters.

**7. Consideration of Administrative Matters.** We were mailed the list of Administrative Matters on August 14, 2020. I haven't checked to see if they were delivered on time. Brad McCrea if you have any questions. Any questions on Administrative Matters? (No questions were voiced).

**8. Public Hearing on Draft 2020-2025 SF Bay Coastal Management Program Assessment and Strategy. Chair Wasserman announced: That brings us to Item 8 a public hearing on the Draft San Francisco Bay Coastal Management Program Assessment and Strategy.** Executive Director Goldzband will introduce the item and then turn it over to staff that will make the presentation.

Executive Director Goldzband addressed the Commission: Thank you, Chair Wasserman. I would like to make sure that the Commissioners understand why it is that Megan Hall is going to be standing before you virtually and telling you some things you already know but other things that you may have some questions about in a way that is sort of familiar but actually not terribly familiar.

In 1965 BCDC was created. That was seven years prior to the Federal Coastal Zone Management Act. So once again California leads the way.

But the Coastal Zone Management Act, the CZMA, enables coastal-zone managers or management agencies to agree and enter voluntary agreements under the CZMA with the federal government. And as a result as long as you are accredited states receive benefits including federal funding and the opportunity to review federal projects through consistency determinations and access to a wide variety of NOAA resources.

So, you now know more about the Coastal Zone Management Act than 99.8 percent of the American public. (Group laughter) So we are now going to educate you on about 0.1 percent more which is that there are three Coastal Zone Management programs in California – the Coastal Commission, BCDC and the Coastal Conservancy.

We all share funding from NOAA and that includes Section 306 funding of the CZMA which heads towards the regulatory program and Section 309 funding which heads to the planning program.

That Section 309 funding is the heart of what Megan wants to talk about today. Although we receive a relatively small amount of funding in Section 309 we make it go a long way.

We've used this funding for the Environmental Justice Bay Plan Amendment, Climate Change BPA, enhancing the ART Program, the West Contra Costa ART Program, Climate Change Policy Guidance (which you will see soon) and work towards Suisun Marsh updates.

So this 309 funding is very, very important to us just like it is to the other Coastal Zone Management agencies.

For us to continue to be an accredited program BCDC needs to adopt every few years a program that is then agreed to by NOAA as part of CZMA.

So that process has begun at BCDC and that is what Megan wants to talk with you about today as well as at least one NOAA representative.

Coastal Scientist Megan Hall presented the following: My name is Megan Hall and I am a coastal scientist in the Planning Division here at BCDC. Today I will be joined by a special guest from NOAA, Becky Smyth, the West Coast Regional Director for NOAA's Office for Coastal Management.

We will be talking about NOAA's Coastal Zone Enhancement Program, which is Section 309 of the Coastal Zone Management Act, that provides federal funding to BCDC for major planning studies and policy amendments. We will also be talking to you about the Assessment and Strategy document that officially outlines how BCDC plans to spend that funding over the next five years.

First, Becky will talk about the Coastal Zone Enhancement Program and then I will talk about the current Draft Assessment and Strategy that was mailed on July 10th as well as public comment that we received and next steps in this process. And then we will have public hearing so there will be an opportunity for more public comments after that.

With that I will turn it over to Becky Smyth of OCM. Becky, thank you so much for joining us.

Ms. Smyth replied: Thank you Megan. Can you hear me?

Ms. Hall answered: Yes, thanks Becky.

Ms. Smyth continued: Good afternoon, Chair Wasserman and Commissioners and Larry. I hope everyone is safe and healthy during this incredibly challenging time.

I have so much faith in our NOAA/BCDC partnership. I am excited to be here today to talk about one facet of our state and federal partnership with BCDC that is enabled through the Coastal Zone Management Act.

I am here to answer three questions: What is this program? Why is NOAA involved? What are the outcomes? The Coastal Zone Enhancement Program is part of the Coastal Zone Management Act and it was specifically adopted to allow states to tackle chronic and emerging coastal issues with the ultimate goal of updating evolving state coastal-management programs. It was not an original part of the Act that was passed in 1972, but added in 1990 because somehow, somewhere they realized a 20-year-old program may not be addressing the same issues that were approved previously.

As Larry has said, BCDC has taken full advantage of this program and has probably been one of the most aggressive programs in using this to continue evolving and addressing current issues. So kudos to the staff and you all for supporting this work.

NOAA has to approve what you are looking at. It can't just be any random thing. But it also provides funding. Since 2005 BCDC has received approximately two million additional dollars to help support these efforts over your base, yearly grant from NOAA.

We at NOAA Office for Coastal Management also use this to help us figure out how to help you. So our work plan priorities are set by looking through our state partners' enhancement programs.

So we have been able to help engage with you on a number of the programs over the years like Adapting to Rising Tides. I always look forward to these because I get to see what the next five years of our partnership may look like depending on what you focus on.

I will give you a quick overview of what is in the document. There is an assessment and there is a strategy. Every five years your program has to do a self-assessment in nine areas and Megan will talk about these. It includes everything from wetlands to energy and government facility siting to public access.

And then you identify the extent to which problems and opportunities exist in each of those areas. And then you look at whether you have the plan and program in place to address those; and if not, identify a couple of priority needs to focus on over the next five years.

And that is done through a public process and with NOAA. And then you develop strategies. So the second part of the document is a strategy.

And this is a multi-year strategy that sets forth specific program changes and I will define that in just a second. But the strategies need to be specific including milestones, cost estimates so it is a bit of work because you have to think five years out.

But we also want to make sure we all agree that it is doable in that five-year timeframe. And you can be over-achieving; you can try doing it in two or three – it doesn't have to take the whole five years.

So, outcome of all of this is that program change. So, what does that mean? A program change can be anything from a change in a boundary of the program. You could issue new or revise your authority; your coastal-land acquisition and restoration program; develop a special area management plan; or update guidelines, procedures or policy documents, and BCDC has done a number of these. So that is what has to be the outcome.

And then the key to all the programs change is that at the end of it you have to improve your ability to achieve the objectives you've outlined at the beginning of the five years.

We want it to be not just a process but an outcome that leads to a change.

This slide shows where you are and what is next. It is collaborative and we've been working with BCDC as you developed the draft that is in front of you. We have provided feedback and have helped identify resources that could support what you are doing.

Then we are in front of the Commission today and there is public input. And then it goes to NOAA for final review. And then we approve it and it starts at the beginning of the next fiscal year for BCDC which would be July 2021.

But this is not the end of the process. It really is where you begin to actually do the assessment and strategy and where we work together.

So again – why do you care? You get money and you get us and you get to evolve your program to stay current, to change things that maybe weren't working and to look towards the future.

I am excited to be thinking about the next five years and where we can go. With that, thank you for your time.

Ms. Hall chimed in: I think that was great Becky. It covered all of our main points so thank you so much.

Now I will dive into the details and a high-level overview of the current document and talk about the forming sections of this document.

Each of these sections builds on the last to reach two strategies that will guide how BCDC uses its federal Section 309 funding for the next five years. As you have already heard from Larry and as you'll see in my upcoming slides, BCDC only receives \$128,000 per year and \$643,000 total over the five-year period, yet we have been able to accomplish some really big things.

First for some context, I will remind you of BCDC's goals from the last Assessment and Strategy that guided our federal funding decisions from 2016 to 2020, so we are just wrapping up with that right now. We had three strategies from last time.

Strategy 1: Incorporate best available information into wetlands management, planning and decision making.

Strategy 2: Improve the region's capacity to understand and address coastal hazard risks.

Strategy 3: Evaluate and update special area plans and sector plans.

We have accomplished a bit in all those categories.

With that context, the draft that we are considering today starts with a summary of achievements from the last Assessment period. The projects shown here were accomplished using Section 309 funding.

The first was the Environmental Justice and Social Equity Bay Plan Amendment which was supported by two years of funding.

The Adapting to Rising Tides Portfolio was supported in FY-2016-/2017. We just finished spending 309 funding on creating our Climate Change Policy Guidance which is nearing completion.

And this upcoming year we will be using the funds on the Suisun Marsh Protection Plan Amendment. We are spending on that right now.

The first four of these were part of Strategy 2 and the Suisun Marsh Amendment was part of Strategy 3.

As you see, we have accomplished a lot and are in the process of accomplishing some big things with this money. And some of this would have been hard to do without this money so it has been important for us.

We have also accomplished many projects that are relevant to the strategies identified in the last round although with funding from other sources.

For example, the Fill for Habitat Bay Plan Amendment incorporated best available information into wetlands management, planning and decision-making as described in Strategy 1. The Bay Restoration Regulatory Integration Team (BRRIT) was relevant to that strategy as well.

ART Bay Area, ART East Contra Costa and kicking off the Bay Adapt process advanced strategy 2 to improve the region's capacity to understand and address coastal hazard risks.

And finally, although not complete, we have made progress on updates to all three Special Area Management Plans that were named in the third strategy which were the Seaport Plan, the San Francisco Waterfront Special Area Plan and the Suisun Marsh Protection Plan.

The next major section is the Phase I Assessment which is a high-level assessment that evaluates BCDC's program in all of the nine congressionally-determined, priority enhancement areas. You will probably notice as you look through the list that some of these are more relevant to BCDC than others, yet we still assess the programs in all those areas and that helps us decide what is a high priority.

First, for each enhancement area in the Phase I Assessment, the report details the current extent, status and trends of resources based on staff research. For example, part of the Phase I Assessment for the Coastal Hazards Enhancement Area describes projections on groundwater rise predicted with rising sea level.

Next, the Phase I Assessments describe how BCDC manages each enhancement area and whether any changes were made to our management approach since the last Assessment and Strategy. This includes detailing policies, regulations and planning processes that BCDC uses to manage, for example, wetlands, coastal hazards, public access and so on for each enhancement area. This section also highlights changes that have been made to management practices such as Bay Plan Amendments, guidance documents and more.

Finally, staff prioritizes each of the nine enhancement areas as high, medium, or low based on the resource and management characterizations I just described, as well as a stakeholder survey, which I will discuss in a bit more detail in a moment, that most of you received in December of 2019.

The Stakeholder Survey was sent to over 1,000 stakeholders and we received 167 unique responses including 14 BCDC staff members.

Respondents were asked to select their affiliation with the option of choosing as many descriptors as apply. Based on the self-identification we saw that the majority were "interested members of the public," followed by consultants and local and state government representatives.

Stakeholders and staff were asked to select what they considered the three highest priority enhancement areas. Based on stakeholder choices as well as the assessment described above, the staff identified three high-priority enhancement areas which were coastal hazards, wetlands and coastal and estuarine resources.

I will note that some public comments that we have received reacted to the fact that public access was not selected as high priority, but as I will describe further, there is overlap among these enhancement areas. So public access issues are addressed through coastal and estuarine resources in the Phase II Assessment and Strategy, and special area management plans could be updated through either of the two strategies even though those were not characterized as high priority.

So we took these three high-priority enhancement areas into the Phase II Assessment which is a more in-depth look at key problems and opportunities for enhancing BCDC's program in each of these three, enhancement areas.

For each of these enhancement areas, staff identified significant issues related to the enhancement area, management priorities and management needs and gaps. Like the Phase I Assessment this more detailed assessment was also based on a combination of staff research, staff discussions and the stakeholder survey.

For Wetlands, the most significant issues identified were rising sea level, lack of migration space and limited sediment supply. Based on these issues and further assessment of BCDC's current management approach, staff identified priorities where there is the greatest opportunity for BCDC to improve its management of significant hazards facing wetlands. So we are looking at aspects of current management that aren't working well or could be done better.

The management priorities identified for wetlands were aimed at facilitating wetland restoration and adaptation to sea level rise, both through permitting and supporting implementation, as well as encouraging wetland restoration as a shoreline protection approach.

These are important to keep in mind, not only for wetlands but for each of the Phase II Assessments, as we go into the strategy discussion to understand what specific issues and priorities the strategies were responding to.

For Coastal Hazards, the most significant issues identified were sea level rise, groundwater rise and temporary flooding and compounding effects of multiple hazards.

Again, in response to these issues and in-depth management characterization, staff identified priorities where there is the greatest opportunity for BCDC to improve its management of significant coastal hazards issues.

Management priorities for coastal hazards focused on regional adaptation planning and coordination with a focus on equitable outcomes, as well as supporting local planning and implementation of adaptation projects.

The third enhancement area was Coastal and Estuarine Resources. I will note, this enhancement area is officially called Ocean and Great Lakes Resources. BCDC does not really manage any ocean or great lakes resources. However, the enhancement area focuses on planning for use of resources that are very relevant to BCDC's work including living resources, marine transportation, tourism and recreation, ports and more. We therefore decided to still analyze this enhancement area but in the context of coastal and estuarine resources.

The first significant issue identified was rising sea level and coastal flooding. I'll take a bit of time to explain the next two since those might not be as apparent.

The second significant issue is the conflict between public access and restoration and thinking about how this conflict will intensify as sea level rise limits current shoreline spaces. BCDC has a mandate to provide maximum feasible public access but we also have a mandate to restore natural habitat.

Although our policies account for the need to relocate public access when it poses a risk to sensitive habitat, there is still disagreement about what “maximum feasible” means and should mean. This issue has been raised by stakeholders through several recent BCDC processes. It is also important to consider this conflict in the context of sea level rise and social equity to ensure that we can continue to provide equitable access while also protecting vulnerable habitats as sea level rises.

The third issue is changing recreational boating needs. This really focuses on two aspects but could be expanded to focus on others that are relevant as well. One is increasing demand for authorized live-aboard space in marinas. The Bay Plan defines live-aboards as boats that are designed and used for active navigation but are also used as a primary place of residence. In most circumstances BCDC’s policies allow up to 10 percent of marina boat berths to be dedicated to live-aboards. However, several marinas have indicated that they are already at capacity and have increased need for live-aboards for security purposes.

The other aspect of changing recreational boating needs is just how trends for recreational boating have been changing in general. Some that were specifically raised to BCDC in the process leading up to this document include marina closures, changing boat size, and marina needs to change boat-slip configuration to account for changing demand. There is also concern about how equity needs would intersect with changing recreational boating trends.

In response to these issues, staff identified three management priorities to essentially address the three significant issues I described. There is also a third management priority that is a bit broader recognizing that we may need to update several existing plans to effectively address the issues I just mentioned.

Results from the Phase II Assessment are taken and fed into development of the final strategies which detail how the Section 309 funding could be used over the next five years to lead to a proposed program change. A program change could include changes to BCDC’s law, regulations, or policies, or Commission-adopted guidelines or procedures as Becky already mentioned.

With that in mind, two strategies were developed to address the significant issues and management priorities that we identified through the Phase II Assessment.

The first strategy addresses issues and management priorities raised through both the Wetlands and Coastal Hazards Enhancement Area and aims to improve the region’s capacity to understand and adapt to current and future coastal hazards.

The second strategy, which addresses issues and management priorities from the Coastal and Estuarine Resources Enhancement Area, is to improve coastal management related to water-oriented uses.

For Strategy 1 there are several possible program changes that could result from this Strategy. These include Bay Plan amendments including fill for shoreline protection, beneficial re-use of dredged sediment, and adaptive management, which were all key policy amendment ideas that came out of the Commission’s workshops on rising sea level.

We could also update the Suisun Marsh Protection Plan and follow through with that amendment process through Strategy 1.

And we could also potentially implement Bay Adapt's Joint Platform through this strategy. Jessica Fain will give a full briefing on Bay Adapt shortly after my presentation.

In addition to these program changes there is a lot of work that goes into getting to that point. This would also include coordination, research and tool development that would support and lead to these program changes.

This strategy addresses a range of specific issues, priorities and needs that were identified in the Phase II Assessment. At the highest level these can be summarized as the need to increase resilience of wetlands, communities and the built environment to rising sea level, and the need to facilitate implementation of rising sea level adaptation measures.

Strategy 2 changes could be in several different policy documents. Policy amendments could be made to the Bay Plan, Suisun Marsh Protection Plan or possibly Special Area Plans depending on what the research shows to address public access, restoration, sea level rise and equity conflicts and to address changing recreational boating and live-aboard needs.

And again, these changes would be in addition to coordination and research that would support and lead to these program changes.

This strategy addresses several needs. The first is to resolve conflicts between public access and restoration with sea level rise and equity in mind, address increased live-aboard demand and improve management considering changing recreational boating trends

Finally, I want to discuss how this document and these strategies relate to BCDC's Strategic Plan.

BCDC has often taken the exercise of preparing the Assessment and Strategy as an opportunity for setting priorities of the Planning Division. The Assessment and Strategy is a federal funding plan, not a comprehensive strategic plan for the Agency. However, the strategies developed align with and support goals and objectives of BCDC's Strategic Plan.

The strategies developed through the 2021-2025 Draft Assessment and Strategy relate to Goals 1 and 2 of the Strategic Plan — to enhance the Bay's unique contributions to the Bay area and enable all its communities to flourish and to increase the Bay's natural and built communities' resilience to rising sea level.

The strategies also relate to specific objectives identified in the Strategic Plan:

- Encouraging/implementing Bay habitat restoration.
- Updating key statutes, policies, and regulations.
- Using the ART Program to lead the creation of a regional adaptation plan for rising sea level.
- Supporting local efforts to increase sea level rise resilience with special attention to environmental justice, and,
- Promoting adaptive management approaches to address uncertainties inherent in responding to rising sea level.

The Draft Assessment and Strategy was released on July 10th and since that time we have received seven public comment emails from the individuals and entities listed here.

The public comments covered a range of issues and I will summarize some of the main points:

The Assessment and Strategy should include information on sailing clubs and boat-sharing programs as well as the trends and opportunities provided by these programs; Public access should be designated as a high priority; Staff should conduct outreach to Bay Area Tribes before finalizing the document; The strategy should go further to protect wetlands and require wetland restoration including preservation of space for wetland restoration and migration. This includes a suggestion to add a management priority on wetland migration; The Phase II Assessment on coastal hazards should expand discussion of the strengths of inter-governmental coordination; And finally, dry storage of boats is a good approach to enhance use of the Bay while minimizing adverse impacts.

There will be an opportunity for additional public comment shortly after I finish this presentation.

So next steps with this draft document are to incorporate public and Commissioner comments, to update the document, publish the final staff recommendation and bring the final draft to the Commission for a vote, likely on September 17th. We will then submit the final draft to NOAA Office of Coastal Management who has two months to approve the final draft. Once approved, we can then receive NOAA 309 funding to implement the strategies starting in July of 2021 over the following five years.

Thank you for your time. We look forward to hearing any additional comments from the Commission and the public.

I will turn it back over to Chair Wasserman to start the public hearing.

Chair Wasserman announced: The public hearing is opened. Peggy, do we have any hands up for comments?

Ms. Atwell responded: I have one hand raised.

Mr. Hunter Cutting was recognized: Thank you. Commissioners, thank you for having this hearing today and many thanks to the staff for the strong work contained in the Draft Coastal Management Plan. I am a member of the Executive Committee to the San Francisco Sierra Club and today I will be offering comment on behalf of the Sierra Club.

I am also here to echo public comments submitted by Rich Jepsen and Carisa Harris Adamson, chair of the Board of Directors of the Treasure Island Sailing Center.

The drafting of the Coastal Management Assessment and Strategy provides a really, important opportunity that we have been waiting to come along to enlarge the vision for water-oriented use of the San Francisco Bay.

And the Draft Assessment before us today does move on that opportunity but it does not move nearly as far as it could and should.

The narrow focus of the Draft Assessment on marinas as proxy for water-oriented use of the Bay, boating in particular, perpetuates a framework that misses important activity on the Bay.

Over the last 20 years the growth and boating on the Bay and across the nation and California has primarily come through community sailing centers such as the Treasure Island Sailing Center and boat-sharing programs — not new marinas.

And looking forward it is really clear that these approaches are the future for increasing public access to the Bay and for helping to address the environmental-justice principles championed by BCDC.

As such, a focus on marinas and a practice of looking at marina trends as the key indicators of boating trends is not appropriate. In particular, an increase in demand for large, private slips should not be the primary target in scoping the management of water-oriented uses in this Assessment Strategy.

The Sierra Club encourages BCDC to further widening your view to assess the full landscape of boating trends to further the management of water-oriented uses on the San Francisco Bay. Thank you very much for accepting these comments.

Mr. Arthur Feinstein was recognized: This is Arthur Feinstein the chair of the Sierra Clubs Statewide Conservation Committee. I have been following BCDC for many years.

I was very appreciative of the broadness of your categories. For wetlands you include restoration and even looking at where they can move to in adapting to sea level rise.

One of the issues that is not mentioned is that as we adapt to sea level rise around the Bay there is actually a potential opportunity for the Bay shrinking rather than growing despite the fact that we are going to have sea level rise if we start putting hard edges around most of our shoreline and much of our shoreline is developed.

And the question then is, if we are going to be putting hard structures – do they go into the Bay or do we create them on the uplands? If all our bathtub approach to addressing sea level rise involves putting our seawalls in the Bay then we lose acreage which becomes considerable.

So this is something that you might want to do an analysis of and have more encouragement. But if there are going to be hard-edge solutions that they take place on solid land rather than in the Bay.

One example of which we don't have an opinion on in the Sierra Club is in San Francisco—they are redoing the seawall and it is most likely that part of that restoration is going to take place in the Bay. So that is a small amount of acreage that is going to be disappearing from the Bay.

So that is something for you to look at in terms of your calculations about your attempt to conserve the health and natural resources of San Francisco Bay. Thanks.

Ms. Atwell noted: Chair Wasserman, there are no more hands raised for public comment.

Chair Wasserman acknowledged: Thank you. I would then entertain a motion to close the public hearing.

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

Commissioner Gorin commented: We've heard from a couple of groups about their concerns and desire to put emphasis on boating clubs rather than private harbors and docks. What do we do with that information or other similar comments?

Ms. Hall replied: I think they raised good points. What we did focus on was just issues that had primarily been raised to BCDC so far which were through a presentation that Josh Burnham of the Bay Planning Coalition had given to the Commission a couple of years ago. And the live-aboard issue has been raised to our regulatory staff several times over the past few years.

I do think it is really important to acknowledge that trend throughout the Phase I and Phase II Assessments. And that is something that we probably would have ended up looking at anyway through implementation of the second strategy, but we definitely should note that this is a component of these changing boating trends that we should look at and understand a bit more if there are any management changes that are necessary in response to that.

That information is important to include and will fit well within the current outline and context and structure of the document. It is missing and I agree that it needs to be added.

Commissioner Showalter had funding questions: I was wondering how likely we are to get this funding and also is this the most we can ask for?

Executive Director Goldzband fielded the inquiry: NOAA funding has actually increased during the past few years. This is due in great part to the budget deals that have been two-year budget deals over the past few years.

And some of the greatest advocates for NOAA funding are southern, Mid-Atlantic, Gulf-Coast, Republican governors who recognize the partnership and how valuable it is between the federal government and their states.

Through the Coastal States Organization we have seen grants go up. Our grant actually has gone up and it won't go up a lot because of the way the program works – we're capped in California because that is the way federal funding tends to be in many respects.

But we, assuming that NOAA is not cut, we will continue to get at least the same amount of funding that we have received over the past few years.

And even though it is not a huge amount of funding, the way our funding portfolio is – it is a significant portion of the funding.

Ms. Smyth added: I would add that there are two parts to the funding you get for this. There is one that you automatically get as long as you have an Assessment and Strategy in place you will get a base amount of funding to do work on it.

And then there is a small amount that is competitive so that BCDC can ask for more through a competitive process that we give additional funding to some programs who are trying to advance policies at the leading edge of some of the national priorities so we can see where it goes.

You will get at least the base funding and this will enable you to also potentially compete for a small amount of additional funding.

Chair Wasserman asked: Peggy, any others?

Ms. Atwell replied: No, I don't see any other hands raised.

Chair Wasserman continued: All right. Thank you both for a very good presentation. We look forward to the follow-up which will probably be at our September 17th meeting. No further action on this item is needed today.

**9. Briefing on Delta Conveyance Project.** Chair Wasserman stated: This brings us to Item 9 which is a briefing by the California Department of Water Resources on the Delta Conveyance Project. Jessica Fain of our staff will introduce the briefing.

Planning Director Fain addressed the Commission: Thank you Chair Wasserman and greetings Commissioners. I am pleased to introduce Katherine Marquez, Environmental Resource Manager for the Delta Conveyance at the California Department of Water Resources. She is going with us today about the proposed Delta Conveyance Project, its environmental review process and upcoming analyses.

They are still fairly early on in that process but she is going to speak to what is to come.

Ms. Katherine Marquez presented the following: Thanks for having me today. I really appreciate the opportunity to give an environmental review update on the project on behalf of our Environmental Program Manager.

Two-thirds of California's water originates in the Sierra Nevada Mountains as snowpack. It eventually flows through the Delta where it is ultimately delivered to more than 27 million Californians and 750,000 acres of farmland through the State Water Project. Three of five Californians depend on water that flows through the Delta.

The proposed Delta Conveyance Project is intended to protect and preserve this vital, water-supply resource by guarding against disruptions caused by sea level rise, the hydrologic effects of climate change and seismic threats.

The Project would develop new infrastructure facilities in the Delta necessary to move water as part of the State Water Project.

Past Delta Conveyance planning efforts include early in the 2000s to the mid-2000s there was the Bay Delta Conservation Plan. That was followed by the California WaterFix and the sequel which was the approval of the California WaterFix of July 2017. In 2018 there were efforts for a supplemental EIR based on refinements through WaterFix. And then early in 2019 Governor Newsom directed the Department of Water Resources to look into a single-tunnel, command option. So in May of 2019 DWR withdrew all of the WaterFix approvals.

DWR investigated diversion and conveyance facilities for the State Water Project in the Delta. The Delta Conveyance Project started with a Notice of Preparation in January of 2020.

The purpose and objectives of the Delta Conveyance Project is as follows. The purpose is to develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of water delivery in a cost-effective manner consistent with the State's Water Resilience Portfolio.

The objectives are to address sea level rise and climate change, minimize water supply disruption due to seismic risks, protect water supply reliability and provide operational flexibility to improve aquatic conditions.

The proposed project facilities include intake on the Sacramento River so the Notice of Preparation included three, potential, intake locations and a potential range of capacity from 3,000 cubic feet per second (CFS) to 7,500 CFS.

At the lower end there would only need to be one intake. At the highest end there would need to be all three and the middle would be up to two intakes.

From this there would be tunnel reaches and tunnel shafts. A single tunnel is proposed to follow one of two corridors in the central or eastern portion of the Delta.

The different shafts include launch shafts where the tunnel boring machine would enter the ground and retrieval shafts where it would be removed. It would be about 10 to 15 miles between the launch shafts and the retrieval shafts with smaller maintenance shafts approximately every four to six miles.

So the single tunnel would follow one of the two corridors proposed and it would reach a Forebay to the northwest of the existing Clifton Fort Forebay.

From there a pumping plant would pump the water out of the tunnel and into the Forebay. And at the bottom of the Forebay there would be two, smaller tunnels that would then carry the water to the existing South Delta Conveyance Facilities.

We are pretty early on in the environmental review process. The NOP was released in January. There was an extended scoping period. A scoping summary report was just released a few weeks ago and it is available on our website.

The Scoping Report was used to consider potential alternatives and the preliminary, alternative analysis was done and we are now in the stage of defining the project admission and the potential alternatives that will be analyzed in the EIR.

That will be followed by the Impact Analysis and a draft EIR with a final EIR after extensive, public circulation and public hearings.

I want to thank BCDC for being one of the agencies that provided scoping comments. We really appreciate the input and the consideration.

If I missed anything on these slides summarizing some of the major points of those comments I assure you that we have catalogued all of the scoping comments in their full context and flagged things for specific resource teams to follow up on and continue to consider as we go through the process.

The first one I have here is — evaluate the potential for a downstream impact in BCDC jurisdiction related to flow standards, cumulative impacts, toxic algal blooms and sediment transport.

The CEQA analysis is currently in the preliminary stages but we will evaluate the potential for downstream impacts.

The next two comments are sort of related. One is to consider if additional, project elements not in the NOP might fall within BCDC jurisdiction. And the other is — mitigation for operations should be established prior to the Project becoming operational and should include contingencies if not fulfilling the desired outcomes.

We haven't gotten to the Impact Analysis yet. We will evaluate potential, mitigation strategies once that is completed.

Another concern was that operations won't be final until regulatory processes are completed which would be after the Draft EIR. And that is definitely true. Regulatory parameters on operations will not be final until the permits are issued. However, the Draft EIR will analyze operations developed through early consultation with applicable, regulatory agencies.

And if those final parameters vary significantly from what was analyzed in the EIR subsequent CEQA documentation may be necessary subsequent to review processes.

So we now look at Current Status and Next Steps. DWR is working to obtain all required state and federal approvals including but not limited to — CEQA, NEPA, Endangered Species Act compliance, water rights and Delta Plan consistency.

There will be several opportunities for public participation throughout the course of the environmental review and planning process.

Here you see a table summary of the activities. For CEQA the Scoping Report was just recently published and the Draft Environmental Impact Report is in process. For NEPA the United States Army Corps of Engineers is going to prepare the Environmental Impact Statement. A Notice of Intent and scoping for that process is expected late this summer.

Part of the Corps determining their actions, we have submitted a Clean Water Act section for a permit application to the Corps.

As a separate project DWR is pursuing soil investigations for data collection in the Delta and the initial, Semi-Mitigated Declaration was adopted on July 9th of this year.

And work for that effort is anticipated to begin on publicly-owned sites this fall. So these are geotechnical borings and soil penetration tests.

This last slide lists several ways to stay informed. There is our project email if you have any follow-up questions. Our website which has a lot of great information is available. The site includes dive videos with technical experts. We have a Project Hotline and a Twitter as well. And also on our website you can always sign up for our email, mailing list.

With that we can open it up to questions.

Chair Wasserman continued: Do we have any comments from the public?

Ms. Atwell replied: We do not have anybody with their hands raised.

Chair Wasserman acknowledged: I appreciate that. All right, now any comments or questions from the Commissioners?

(No questions were voiced)

This is an important undertaking. There is a significant connection between this effort and the previous presentation. BCDC has not been a significant participant, and perhaps should not be, in the discussion over the Water Project in the past.

But I believe there are a number of very major impacts the Water Project will have on the Bay in matters within our jurisdiction; and in particular, water flow and sediment.

As we know from other discussions in a number of contexts the build-up of sediment or the lack of build-up of sediment is a significant problem including a problem for some of efforts to adapt to rising sea levels.

So there is a very important effect from that water flow and the sediments that are delivered by that water flow affected by the Water Project.

And as our staff presented, those issues will be studied in the environmental reviews that are being conducted of the Project.

Executive Director Goldzband chimed in: A little bit of history here; Chair Wasserman rightfully and accurately describes that the Commission has taken a hands-off approach over the past decade if not longer with regard to the State Water Project.

That approach was generally agreed to by the Natural Resources Agency. I want to give a major shout-out to this Administration's Natural Resources Agency because in our discussions with them they, while I will not say actively solicited BCDC's participation, they certainly welcomed the initial letter and comments that we have made as staff that Katherine very well summarized.

Remembering that this is a Bay Delta and recognizing flows, recognizing sediment, recognizing rising sea level and all of that adding up to a fundamentally different chemistry and movement within the Bay — this Administration said, please, by all means, comment and become part of the process.

And I think that is a very welcoming and a very smart move. It is why we want you as Commissioners, many of whom represent local constituents who no doubt have all sorts of different thoughts about this project, to become involved and stay up to date with BCDC as we provide you with information about it.

I just wanted to give a shout-out to the Newsom Administration's CNRA and Secretary Crowfoot and Tom Gibson at CNRA for giving us that latitude in the asking us to participate.

Ms. Marquez added: We appreciate the participation and we are happy to come back and provide updates as we move further along through the process.

**10. Briefing on Bay Adapt:** Regional Strategy for a Rising Bay. Chair Wasserman stated: Item 10 is a briefing on the Bay Adapt Program to address rising sea level. Jessica Fain will make the presentation.

Ms. Fain addressed the Commission: Thank you, Chair Wasserman. I am Jessica Fain, BCDC's Planning Director and I am pleased to be here today to provide you with an update on Bay Adapt our regional strategy for a rising Bay.

I would like to remind you of what Bay Adapt is and what we are trying to achieve. We know that the core of adapting to rising sea level will have to happen primarily at the local level. And this is happening around the region today.

However, we also know that local-only adaptation will be insufficient. This is because we live in this highly-networked region where impacts in one area can have a cascading effect across the region.

Acting individually rather than collectively will result in negative outcomes such as disproportionate impacts to disadvantaged communities who may have fewer financial and political resources, unintended flood impacts to neighbors within a closed-Bay system since there are no requirements in place that mandate cross-jurisdictional coordination, other more pressing and immediate concerns taking precedent and sea level rise is linked and may exacerbate many of these challenges such as to housing, health, transportation and jobs.

Currently, we lack the incentive to work across issue areas to create these multi-benefit, nature-based solutions as well as across jurisdictions to solve common problems.

We can see the near-term loss of wetlands to ecosystems most at risk of flooding.

And finally, we have no way to see or measure how all of these individual actions are adding up.

The good news is that we are not starting from scratch. Between reports like Adapting to Rising Tides Bay Area, SFEI and SPUR's Adaption Atlas, State Sea Level Rise Guidance and many other local studies we have a whole lot to build on.

But we are not there yet. So despite widespread agreement on the challenges, there is no widespread agreement on the solutions. To date there is no one group or agency that is responsible for solving this problem. We each share a piece of that responsibility.

This is why BCDC together with a group of Bay Area leaders from regional agencies, non-governmental organizations and local governments have come together to develop Bay Adapt. Bay Adapt is a short-term initiative to develop and adopt a regional, consensus-driven strategy that lays out the actions necessary to protect people and the natural and built environment.

The strategy is largely comprised of three key elements. First, is Guiding Principles that clearly and concisely articulate shared beliefs and values and that will be our compass over this process.

The second is the development of a Joint Platform of the top 10 to 15 priority actions that the region must take.

And third and perhaps most importantly is a commitment to act together to implement our respective roles and authorities the actions that we agree upon.

I would really like to underscore this last point. We do not want to create a plan that sits on a shelf. We think that we have an outstanding Leadership Advisory Group, regional leaders that are supporting this work. And that is what makes this effort different than others. It is this leadership group and their commitment to working on this together that is important. So adopting this Joint Platform in this step three is not the end but it really is the beginning to collective, regional action.

The first element is Guiding Principles. Here you see a summary of the guiding principles that we have developed. The first is to practice inclusive, community-led governance and decision-making. And this acknowledges that we will achieve better adaptation outcomes when those who know their neighborhoods and communities best contribute and collaborate to reducing risks.

Supporting social vulnerable communities acknowledges that sea level rise will disproportionately impact vulnerable communities and that we must actively ensure that communities don't just bounce back in the face of sea level rise but bounce forward.

Solving collaborative problems together acknowledges that sea level rise and flooding is just one of several regionally-interconnected crises facing the Bay Area.

And we must prioritize adaptation actions that maximize regional, risk reduction and minimize trade-offs for other regional priorities such as housing, economy, social equity, ecosystem services and other climate risks.

Don't hold back early movers but play the long game is a cute way of saying that we must support, encourage and learn from early innovators starting a new course for the region especially for wetland restorations while maintaining a long-term vision for more complex planning and investment.

Go green where appropriate acknowledges that while adapting to rising sea level will require a mix of green and gray infrastructure. Green solutions should be prioritized where appropriate.

And then finally, pick the right strategy for the right place and the right time acknowledges that the Bay is a collection of distinct places with unique physical and social conditions and there is no one-size-fits-all solution or a timeline to address the climate-related impacts.

So the second component of Bay Adapt is the development of the Joint Platform and this is the final product of Bay Adapt. It will be a roadmap for coordinated, Bay-Area adaptation and be comprised of a set of specific actions described in some detail.

They will be implemented by a range of entities, not just BCDC, which is why they must be co-owned and co-created. They will be a mix of short and long-term actions, low hanging and more ambitious ones. And for each action we will sketch out the who, what, why, where, when and how of how to achieve it.

Notably, while there are hundreds of actions that must be taken to address sea level rise around the Bay these actions are unique in that they need leadership, funding, staff or other resources and would benefit from the support of a Bay Adapt and regional approach.

Our Leadership Advisory Group has been instrumental thus far in shaping our approach bringing in diverse perspectives and working collaboratively. This slide shows a range of different executive-level leaders from these organizations who have been participating in this Leadership Advisory Group.

This timeline graphic is a reminder of where we have been and where we are going since I last presented more formally to you in March when we presented a six-month roadmap for a strategic, planning process that would result in a joint platform.

We have been very busy since then, pandemic be damned. In April we met with our Leadership Advisory Group again who helped us think about what success would look like for Bay Adapt and its outcomes.

In April we hosted our first, virtual, Public Forum with over 200 attendees.

In May our Leadership Advisory Group heard from members from community-based organizations amongst their ranks and talked about how to imbed equity into the Bay Adapt process, outcomes and beyond.

We also heard that the timeline felt rushed. And so we extended it by two months to Thanksgiving.

We also recruited six wonderful co-chairs to leave three working groups. And those working groups have met several times.

And today I will be sharing with you a summary of the outcomes of those initial Working Group meetings and the Leadership Advisory Group's response to those initial ideas.

We also developed a Communications and Engagement Strategy which includes digital communications and emails. We've been doing targeted outreach with the EJ Caucus as well as reaching out to other community-based organizations.

And we are really excited to be on the verge of launching a new partnership with the Exploratorium and the Mycelium Youth Network, an environmental-justice organization dedicated to preparing frontline youth for climate change. This program will bring sea-level-rise education and learning to hundreds of students in virtual classrooms across the Bay to empower them to be involved in these conversations.

We have also been holding ad hoc briefings with local governments and elected officials. We would love to do more of this and we would love if you would invite us to come and present to your group or have groups that you recommend that we bring this to.

We've been spending a lot of time trying to figure out how to take an equity approach to Bay Adapt. Fortunately, we've had the guidance of what we have dubbed the Bay Adapt EJ Caucus and this includes representatives from four community-based organizations around the Bay who are on our Leadership Advisory Group.

I would like to give a special shout-out to the West Oakland Environmental Indicators Project who have been going above and beyond and Phoenix Armenta who is also co-chairing one of our working groups. As a direct result of their input we've made some structural changes in how we run our working group meetings making space to ask equity questions and topics front and center. And we've also deeply imbedded equity into the evaluation tools we will be using to guide what items should be ultimately included in the joint platform.

I will now discuss our working groups. Our three working groups are: Regional Consistency led by Caitlan Sweeney from the San Francisco Estuary Partnership and John Coleman from the Bay Planning Coalition. They were charged with the question — what are the necessary steps to ensure that Bay Area jurisdictions plan together towards shared, regional outcomes?

The Local Planning Working Group is led by Phoenix Armenta from West Oakland Environmental Indicators Project and Jack Leibster from Marin County. And they were charged with the question — how can we support local, adaptation planning in a way that is consistent and accessible to resource-constrained, local jurisdictions?

And then finally, the Project Implementation Group led by Erika Powell from CHARG and the Army Corps of Engineers and Jeremy Lowe from the San Francisco Estuary Institute were asked — how can we expedite the delivery of high-quality, adaptation projects?

Each group has met twice and our co-chairs have also met several times and have identified a range of barriers, issues and potential solutions around their scale.

What we noticed were many common themes as topics emerged across these three scales offering relevant and complementary perspectives on the same larger issues.

And so recognizing these commonalities we identified and organized the main topics across scales rather than by scales under four key groupings. In the following slides I am going to outline the main cross-scale topics that have been identified in those first, working-group meetings. Please note that these are conceptual, topic areas not specific suggestions or actions. The details of each of these topics areas to get them from concept to action will be worked out over the next few months.

The first big idea that came out from the Regional Consistency Working Group is the idea of a region-wide, environmental-justice consortium. This consortium which could be based on or grow from similar, grassroots initiatives like the Resilient Communities Initiative is a mechanism to bring together a variety of community-based organizations to improve the capacity of the region to conduct equitable, community-driven, adaptation planning. It could range from a group of community-based organizations across the region under an umbrella contract and can perform on-call, fee-based, consulting services to regional and local agencies all the way to a standing body of CBOs and region-wide, EJ representatives that work under a shared agreement and are paid for their expertise and work.

Under any scenario this entity could help develop the capacity of local governments and communities to do equitable planning through consulting on process, conducting trainings, developing materials and maintaining relationships and connections across the region to local, community groups to ensure ongoing engagement and community-led decision-making. It is critical that this consortium is large and diverse enough that it can include voices throughout

the region as well as have the ability to connect local governments with their own, local CBOs. This consortium would also play a critical role in the organization, membership in charge of the two other consortiums which I will describe more in a minute.

The following are some concepts that could be led or organized by the EJ Consortium or could be stand-alone topics.

First is inclusive planning or increasing the government's capacity to include and elevate the voices of communities and adaptation planning and implementation. An example would be to improve community engagement and learning how to restructure decision-making to put communities first.

Next is empowering community members and CBOs to be active leaders in adaptation planning. An example would be compensating them appropriately and creating processes that account for their needs.

Equitable outcomes means creating mechanisms to ensure that projects are connected in an equitable manner and that resources are distributed in a way that goes beyond traditional, cost/benefit analyses but provides for multiple benefits including social, health benefits and reduces unwanted impacts like gentrification.

Education and info is for providing transparent, public education to increase awareness and empower communities with information they need to engage in informed decision-making.

This topic also covers the learning that government can do from community members as well as increasing knowledge gained from pilot projects.

The next umbrella is Local Regional Adaptation. A local, regional, adaptation consortium is the notion of an over-arching, regional body or entity that links together local, regional, sub-regional and state agencies to better coordinate various aspects of adaptation carrots and sticks.

This could take many forms from informal coordination to standing meetings partnering on projects to a consortium with a formal agreement outlining priorities and terms of partnerships to a new or transformed authority like the Restoration Authority or BRRIT that is created through a legislative act and has specific charge but utilizes existing staff from multiple agencies.

This consortium would work closely or possibly support the Environmental Justice Consortium and it could influence the following areas: regional visioning, this could range from providing incentives to projects that fit within a regional vision such as priority funding or accelerated permitting to identifying a set of priority projects around the Bay that everyone supports. It is important to deeply involve local communities and local jurisdictions into this bigger visioning process.

The Integrated Planning topic gets into how the region can better utilize, coordinate and align regional plans as well as coordinate local plans amongst neighboring cities or with regional plans. This may involve aligning, certifying or incentivizing plans or projects to conform to a regional vision, goals or consistency frameworks or nest them under a regional plan similar to the way the counties submit transportation projects under the Regional Transportation Plan, Plan Bay Area.

Permitting Design and Construction includes enhancing the regulatory environment to better facilitate project delivery and construction such as using expedited and streamlined permitting as incentives, changing permit requirements to more strongly mandate adaptation planning, starting permitting processes earlier, expanding the use of existing, regulatory plans or better linking permitting and funding incentives to conforming projects. This also covered how fill is managed and how the construction process is regulated.

Funding is a big topic. How does the region coordinate and advocate for and expand the options for funding and financing for adaptation plans and projects? Many brought up the idea of a centralized entity that advocates for, consolidates and passes through for issues or raises money for adaptation. It is clearly tied to the regional vision or consistency framework and many people brought up that we need to get more intentional about what projects get funding first based upon agreed-upon formulae which could be explored by a regional entity and tied to consistency framework and the need for not only project-based but more flexible funding for engagement, planning, environmental and engineering studies and long-term monitoring.

Lastly within this category is the idea of Legislative Agenda. And this involves improving how we engage, empower and coordinate elected officials to advocate for adaptation locally, in Sacramento and in Washington. At the local level we discussed the need for greater education and involvement from local, elected officials to create urgency and cultivate champions for regional and local planning and projects as well.

The third big idea or umbrella is this idea of Data, Science and Technical Support and of a regional database, data-host or think tank. This could range from an online portal that pulls together existing data sets and makes them easier to access or it could go further and create a research or scientific entity but not just collect but creates, analyzes and models data around adaptation planning and provides hands-on support and assistance for the users of this data.

The following are some ideas that could be housed under this concept: improving access to data by expanding, amplifying and facilitating the collection, analysis and dissemination of data. Through our conversations with the working groups many specific, data gaps came up. Another concept that came up was the gap around community-based, asset mapping and storytelling and how to get the community much more involved with the information used for decision-making and also make the data and information much more accessible for everyone.

Technical Assistance involved convening, sharing lessons learned, creating guidelines and standards and providing hands-on help on all things related to adaptation.

There were a few topic areas that didn't really fall within each of those three umbrellas but we think they are still really important items that we wanted to bring forward.

The first is this idea of Local Plan Alignments and I previously discussed the vertical alignment of plans from regional to local. There was also discussion about the need to align planning within local jurisdictions amongst local plans and how to ensure that adaptation is distributed throughout any city plan or policy that makes decisions about the future.

De-Siloing Local Adaptation gets at the idea of how city agencies and staff can reorganize their planning policy and project implementation teams in public works departments to ensure that cross-disciplinary, adaptation conversations are happening. And it also included some discussions of how local governments can think about new agencies, new leadership roles and new staff roles.

And then lastly was this idea of Complex Projects and how project teams can internally organize and coordinate themselves to navigate the complexities of project planning and implementation across the many scales and jurisdictional boundaries that include funding, legal engagement and best practices.

About two weeks ago we brought all of this to our Leadership Advisory Group and presented it to them and asked them to discuss it. Advise us — what should this joint platform be? How can a joint platform really add value to the Bay Area and moving the Bay Area on rising sea level? Should we go broad or deep on a just a few of these ideas?

What we heard from the Leadership Advisory Group was that they want both. They appreciated the contacts and seeing the breadth but they also encouraged us to think about prioritizing and sequencing to go drill down into a few of these issues.

We also asked — how can we achieve our objectives of infusing equity within this structure? And we heard from some LAG members, particularly from environmental-justice organizations, that this Bay Adapt process is too fast, too complex and too thick to allow for meaningful, community voices and that it is not currently an equity approach and somehow we need to rethink how we are doing this.

We also heard that we should really look at our maps. We've got a lot of mapping on vulnerable communities and use those maps and information, overlap those with where we are seeing on public-health impacts, where we are seeing COVID impacts as a way to really guide community input and focus and think hard about those intersections between on-the-ground community needs and sea-level-rise needs and how we can make this talk to where communities are at since sea level rise is not the top-of-mind issue for many communities.

Finally, we did a survey at the meetings and we asked the members to look at those topic areas that I just described and for each one tell us — is this a non-starter? Should this be dropped from the joint platform? Is this a must-have like this is something that needs to be in this joint platform? Are you sort of leaning one way or are you sort of leaning the other way?

The results of the survey were sort of helpful. Pretty much all of the items and all of these bubbles that I described were all either must-haves or leaning/yeses. People liked a lot of these things.

However, there were four that rose to the level of must-haves because there was nearly unanimous agreement that these must be included. These are the four listed on the screen.

They are: more community involvement by governments, more funding that is better coordinated, more transparent information and education and ensuring equitable outcomes in adaptation actions. It is good to know that there are some strong agreements around those.

While there was overall positivity for all of the ideas, there were a few ideas that had a slightly bigger spread or difference of opinion. And the one that came out in the LAG discussion was around this notion of integration versus creating something new or different. So LAG was fairly vocal that sea level rise is not a stand-alone issue for communities and shouldn't be treated as such in planning.

We also heard that creating something entirely new could create confusion to an already complex, governance landscape and that more does not necessarily equal better. However, we also heard that interest for this topic might get lost if integrated and that we need to have a clear mandate with funding attached to it. So that is clearly an area still in need of discussion.

So where is all of this taking us? Another way to visualize the Bay Adapt process is here and how we plan to get there. We are starting to deal with community and elected officials. Our working groups have started to spin off and this blue box you see is where we are.

We are at the sausage-making phase where we are trying to take all of these ideas and turn it into a coherent set of actions that hangs together and can really speak cohesively about what the region needs into this joint platform. And this is where we would love your feedback.

In terms of Next Steps — we are going to be watching into the next round of working group conversations. We are also going to be briefing our BARC's governing board in September, engaging this youth program I mentioned and we will be holding another public forum in October and hopefully finalize this by our Thanksgiving deadline.

Here you see a few discussion questions I would love the Commission to think about and other comments as well.

First, is this suite of topics headed in the right direction toward developing a regional strategy for a rising Bay? How can Bay Adapt partners strengthen connections with local, elected officials, jurisdictions and frontline communities during and after Bay Adapt? How do we ensure that Bay Adapt continues beyond November?

So with that I will turn it back to Chair Wasserman for public comment and Commission discussion.

Chair Wasserman asked: Peggy, do we have public comment?

Ms. Atwell replied: We have no public comment.

Chair Wasserman continued: Then questions and comments from Commissioners.

Commissioner Gioia commented: Thanks Jessica for that great presentation. It was very good.

I wanted to ask how this effort will interface with some practical things that are happening because we are trying to apply certain principles in the work we are doing.

We are working along the North Richmond Shoreline on a specific project that is for resiliency. It came out of the Resilience by Design effort. We have a working group that involves the North Richmond community. We are actually expanding it. It is a wastewater

district and then some neighboring, large-property owners like the garbage dump, Republic Services, Chevron Refinery and the Estuary Project is facilitating this. We did get a sizable grant from the Restoration Authority for some planning.

That is sort of a real-life example. We are trying to put into practice getting all the property owners, the railroad industry, the Park District, the local jurisdictions, the project sponsor and it would be like a horizontal-levee project. And we are really involving the community.

We would also like to have someone from BCDC involved and that is a separate issue. We learn from each other but we are moving forward with something and applying the principles of equity and environmental justice and engaging all the relevant parties.

What suggestions do you have as we go forward knowing that this effort is going forward? How do you see them connecting if at all?

Ms. Fain answered: That is a great comment and we've been tracking that project from afar. I think it is a really great example of the kind of on-the-groundwork that you have to do to bring together the right people to get the project moving.

I would see these almost on parallel tracks. It is important in using what is going on in North Richmond as a model for other areas or what can we learn from what you have done and replicate that in other areas. And what does that mean to scale that out more reasonably?

I think there are ideas throughout Bay Adapt like some of those action areas about how you are engaging with the community, how you are fundraising for this project, how you are bringing people to the table that we pull out and start to think about how this could bubble up to something more Baywide.

Commissioner Gioia continued: The presentation really laid out a good plan. Clearly the local planning departments need to be involved because along the Bay it is either a county for the unincorporated area or the cities making the land use decisions. Having planning directors be engaged early on would seem to be really important because ultimately they are the entities that have the authority and if we want them to consider resiliency and sea level rise we need to get the planning departments on the front end.

And the question is — what is the involvement of city leaders who ultimately are the final decision on these projects as well as planning commissioners? I am focusing on the land-use side of it, planning directors, planning commissioners and then the city council to the extent that they are making land-use decisions.

Ms. Fain responded: We have several, local, planning staff in our working groups. We've also been working very closely with BayCAN, the Bay Area Climate Adaptation Network which is a lot of local staff.

In terms of city leaders and elected officials I will say that this has been an area where we have struggled to figure out the best way to engage. It is different in every jurisdiction and there are a lot of people out there.

We know that we need more elected official champions to make this a success and so I would welcome ideas on how we can make that happen.

We are hoping to go out to all county, planning directors' meetings, all county, transportation, agency meetings but we are not quite there at that phase yet.

Commissioner Gioia offered a suggestion: There are plenty of city and county, elected officials on the Commission and maybe reaching out to them regionally and brainstorming identification of those who would want to be involved could be helpful because I think everybody knows their region the best and may have suggestions on the planning folks, the elected folks as well as the other community organizations.

The Bay Area is a big place. Everybody in their part of the Bay understands who to contact in their area. I think seeking help from Commissioners could give you input from a sub-regional standpoint would be helpful because the issues are so different in different areas and I know when the Adapting to Rising Tides Project with the vulnerability assessments that were done along the shorelines — they were done in several counties including Contra Costa County and it was always a struggle getting everybody to participate on a regular and consistent basis.

In a way it will take local leadership in each region to help encourage greater involvement. I think you should utilize the folks who are on the Commission to help because everyone here has their connections in their region and can help.

Commissioner Butt commented: Commissioner Gioia made a great point about the looping in of planning directors in waterfront cities primarily.

I would add one more to that and that is the community of consultants that provide environmental impact reports. Usually when there is a project on the waterfront or wherever the CEQA evaluation of it gets contracted out to some firm that does the work. This is something that they need to be aware of.

This is a fairly small community of consultants and making sure that they are aware of what is going on and that they utilize it as a resource is also important.

Chair Wasserman commented: I join in thanking Jessica for a very, good presentation and I know the staff has continued to work very hard on this.

The inclusion of the equity pieces at a very high level has not always been easy but staff has continued to work very hard on that. And the Leadership Advisory Group has been very supportive of that.

One of the things we need to keep in mind is that what we are doing with Bay Area Adapt is primarily a process and an effort to come up with guidelines and paths against which an adaptation plan will be measured.

We already have a significant amount of the adaptation plan done. The vulnerability studies we've done with ART. The full compendium of ART which was released earlier this year. The Atlas prepared by two of our partners is an important piece of that.

There are unquestionably some missing pieces. There are unquestionably some pieces of what we have done that are not perfect and a few may already be out of date because things do change rapidly.

The reason I make these comments is because as we continue to hear about this and we think about ultimately the Commission adopting not only the Platform but the Adaptation Plan itself for our region because that is what is going to be of critical importance and it is not a document that will ever be written in stone. It will be a constantly evolving document and there will be a constant struggle to figure out how we are going to pay for what we need to do, particularly in light of the current disruption of society as well as the competing needs that are out there.

But that Bay is continuing to rise and nothing we can do will stop that. All we can do is figure out how to adapt to it and continue to mitigate so that the problem does not get even worse.

**11. Briefing on Enforcement Program.** Chair Wasserman introduced Priscilla Njuguna, Enforcement Policy Manager, who gave the briefing on the Commission's enforcement activities. Ms. Njuguna informed the Commissioners that the goal of the briefing was to establish progress that has been made in resolving enforcement since the previous meeting in May of 2020. She reiterated the enforcement underlying goals of ensuring deterrence, transparency, consistency and fairness and reminded the Commissioners that the enforcement program changes as first discussed in December 2019 were to make small changes over time to progressively improve case resolution rates. She then reported that in comparing the case load as of April 30, 2020 to August 13, 2020 decreased by 14 cases from 271 to 257 cases. She then noted that 48 cases had been closed during the same period largely a result of duplicate reports related to blocked public access and other violations which all explains the 32 cases opened during the same period.

Ms. Njuguna then highlighted the impact that a reduced enforcement staff has had on case resolution by noting that the number of cases that were being actively pursued as of April 30, 2020, was 34 cases compared to 29 cases on August 13, 2020. She expressed optimism that the cases resolved during this period despite the reduced staff were an indicator that case resolution would continue but at a reduced pace.

Ms. Njuguna then highlighted the 9 old cases, pre-2016, that have been resolved and noted specifically that for cases pre-2000, 2 cases were closed which is a significant achievement because the oldest cases take the most work to resolve. She then mentioned the cease and desist order that is still under discussion for the Union Point Park matter that will be finalized by the Commission in due time.

Ms. Njuguna then explained that one of the approaches being used to reduce the increase in case numbers has been a consolidation of cases when new reports relate to existing cases rather than having multiple open cases at the same location. She expressed optimism that this approach would result in a substantial decrease of the general case load by the end of the year or at least until enforcement staff get the oldest cases resolved.

In discussing next steps, Ms. Njuguna informed the Commissioners that formal policies are under development particularly a penalty policy which will provide guidance that will result in greater consistency in process when resolving cases. She also noted that the newly implemented procedures are in use and being improved over time as their use informs more

efficient means for case resolution. She reiterated the need for the implementation of an integrated database with access to permits, enforcement cases, and all relevant data as a means of further increasing efficient case resolution.

Ms. Njuguna then informed the Commissioners that amendments to Chapter 13 to BCDC's regulation will soon be presented to the Commission before the rule making process is initiated and are expected to also improve the process of case resolution by streamlining the hearing process and clarifying provisions thereby enhancing transparency and consistency in process.. She concluded by noting that these next steps would be underway as enforcement staff continue resolving cases.

Executive Director Goldzband chimed in and informed the Commissioners that in late July 2020 the Enforcement Committee hosted a workshop that reviewed a number of the more difficult and complex policy questions that the Committee and the staff have been poring over dissecting and answering. Those are leading directly to what Marc Zeppetello is working on which are the written regulatory changes that the Commission will end up seeing.

He explained that the proposed regulation amendments will need to first be approved by the Enforcement Committee before the Commissioners receive them. Executive Director Goldzband reiterated that the regulation amendments are occurring concurrently with formal procedural changes that are ongoing as mentioned by Ms. Njuguna by the remaining members of the enforcement staff despite the absence of one who is working on contact tracing and Mr. Olsson's transfer to permitting. He characterized the value and recognition by senior staff that the procedural changes that have been implemented. He concluded by informing the Commissioners that the proposed regulation amendments would be presented to the Commissioners by the end of the year.

Chair Wasserman asked if there were any public speakers.

Ms. Atwell responded that there were none.

Chair Wasserman then asked for comments or questions from the Commissioners.

Commissioner Ranchod commented: He thanked Ms. Njuguna for the case resolution review and update and provided some additional context. He reiterated that during the July Enforcement Committee workshop the Committee members discussed a number of the issues that staff and Enforcement Committee members had been working on over the past eight or nine months. He stated that he looked forward to bringing those issues forward to the Commission.

He then thanked the members of the public who participated in the workshop and provided their feedback on the issues that were considered.. Commissioner Ranchod then encouraged members of the public to continue taking advantage of the opportunity to provide their feedback and thoughts on the various changes that enforcement is considering to improve, streamline and enhance the effectiveness of the Commission's enforcement efforts.

Chair Wasserman concluded the enforcement briefing agenda item by requesting a motion to adjourn.

12. **Adjournment.** Upon motion by Commissioner Ranchod, seconded by Commissioner Showalter, the Commission meeting was adjourned at 3:34 p.m.

Respectfully submitted,

LAWRENCE J. GOLDZBAND  
Executive Director

Approved, with no corrections, at the  
Commission Meeting of September 3, 2020.

R. ZACHARY WASSERMAN, CHAIR