



Making San Francisco Bay Better

February 9, 2010

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The Honorable Arnold Schwarzenegger, Governor  
Honorable Members of the California Legislature:

**SUBJECT: 2009 Annual Report**

I am pleased to provide you with the 2009 annual report of the San Francisco Bay Conservation and Development Commission (BCDC). This report summarizes the activities we have carried out to implement the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act, and the California Oil Spill Prevention and Response Act. We hope this brief report demonstrates how BCDC is aggressively addressing the impacts of climate change as we fulfill our dual obligations to make San Francisco Bay a more productive estuarine ecosystem and to advance the economic vitality of the region that surrounds the Bay.

BCDC was established in 1965 as the nation's first state coastal management agency. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 44 years 24.5 square miles of Bay habitat have been restored, public trails and parks have been opened along 117 miles of the Bay shoreline, and nearly \$17 billion in productive waterfront development has been built. Last year alone we approved \$500 million in new development, which will make another 1.5 miles of the Bay's waterfront available for public use and enjoyment. The wetland restoration projects we approved in 2009 will enlarge the Bay by 174 acres.

Although BCDC was created primarily to prevent the Bay from getting still smaller from unneeded landfill projects, global warming has presented a new challenge for us: accelerated sea level rise that will make the Bay larger threatens waterfront communities, infrastructure and businesses. To help the public understand this problem, we have produced maps showing the low-lying areas around the Bay that are vulnerable to flooding. These and other efforts have inspired the Bay region to take a leadership role in addressing climate change both by embracing aggressive measures to reduce greenhouse gases and by preparing to adapt to the unavoidable impacts of global warming in an integrated and comprehensive climate change strategy for the Bay Area.

Despite the long-term strength and resiliency of the Bay Area's economy, our region has not been able to escape the impacts of the world-wide economic recession. The pace of development around the Bay has slowed markedly. As a result, last year we processed only 44 regulatory applications, the same number we had handled in 2008 and the second lowest annual level in our history.

The State of California's fiscal crisis has also had a significant impact on our operations. To address a 9.5 percent reduction in our General Fund support we built on the efforts we initiated in 2008 to implement a proactive \$100,000 expenditure reduction plan. We also redoubled our efforts to secure grants, reimbursements and other special funding to help BCDC absorb the cutbacks in state funding. We have also been able to attract young professionals to work for us as volunteer interns. Over the past year these dedicated individuals provided us with over 32 months of unpaid service in a wide range of specialties ranging from legal research and policy analysis to geographic information system development and coastal management.

Despite our effort to mitigate the impact of the State's financial situation on our operations, the overall reduction in funding support has slowed our processing of permit applications, forced us to curtail some enforcement activities, prevented us from achieving all the objectives in our strategic plan, caused us to cancel more than half our scheduled Commission meetings, and resulted in unavoidable inconvenience to the public and a deterioration in the quality of service we provide.

Our greatest fiscal challenge came last spring when we faced a proposal in the May revision of the Governor's 2009-10 budget that called for the elimination of BCDC as a state department and assumption of financial support for our operations by an unspecified regional entity. To assess the viability of this proposal we arranged for an independent analysis of BCDC's role in government and an investigation of a variety of alternative means of funding our operations. The resulting report, which was produced at no cost to the state, concluded that overall it is best that BCDC remain a state agency and that there is no feasible immediate reliable source of funding for BCDC other than the General Fund. The independent evaluation was submitted to the Governor and the Legislature for consideration in the development of the 2010-11 fiscal year budget.

In addition to the attached statistical summary of our work in 2009, following are some of our most important accomplishments last year.

- We continued our well-received and much publicized transformation of BCDC from an agency that deals primarily with Bay management into an international leader in the development of a regional climate change strategy with particular emphasis on sea level rise. As part of this initiative in 2009 we accomplished the following:
  - As a major component of our ongoing program to keep the *San Francisco Bay Plan*, which guides us in making our regulatory decisions, up-to-date and based on the best scientific information, we continued our revision of the Plan to address climate change. The proposed revisions in the Plan were based on a staff report released in April 2009 entitled, *Living With A Rising Bay: Vulnerability And Adaptation In San Francisco Bay And On The Shoreline*.
  - To encourage broad public involvement in the development of our climate change policies, we held four public hearings and a public workshop, three special workshops for local governments, and partnered with the National Oceanic and Atmospheric Administration (NOAA) in holding two all-day workshops to provide assistance to local governments in their planning for climate change impacts.
  - To take advantage of the Netherlands' centuries of experience in protecting low-lying areas from flooding, we entered into a unique partnership with an alliance of Dutch consultants, universities and institutions. Using funding provided by the Dutch government, the team assessed sea level rise vulnerabilities in the Bay Area and offered its ideas on how to best deal with these problems. The study's conclusions were presented in San Francisco in September 2009 at an international symposium.

- Using financial support provided by NOAA, we sponsored an international design competition to generate innovative design solutions, effective ideas and strategies for adapting to the impacts of sea level rise when building communities and managing natural resources along the San Francisco Bay shoreline. An international jury of experts selected six grand prize winners from the 130 submissions received from 18 countries.
  - We worked with our sister agencies in the California Natural Resources Agency in formulating the ocean and coastal resources component of the California Climate Adaptation Strategy.
  - We helped underwrite a feature article in the magazine *Bay Nature* describing the impact of climate change on the Bay Area ecosystem.
  - The Commission issued a legal report explaining how the public trust doctrine relates to strategies for addressing climate change and sea level rise.
  - We partnered with the San Francisco Estuary Partnership to secure a \$600,000 federal grant to study the resilience of Bay Area wetlands to climate change. This grant resulted from the U.S. Environmental Protection Agency's designation of the Bay as one of six pilot projects in the EPA's Climate Ready Estuaries Program.
  - The U.S. Army Corps of Engineers is providing a \$300,000 grant for BCDC to work with the U.S. Geological Survey to study sediment transport in the Bay because an adequate supply of sediment is essential so wetlands can adapt to sea level rise.
  - BCDC was again selected to host a NOAA Coastal Fellow who is promoting local planning for adaptation to climate change.
- We addressed the following significant regulatory issues last year:
- We issued a permit to Caltrans for the seismic retrofit of the Dumbarton Bridge.
  - We issued a permit for the construction of a new ferry terminal in the Oyster Point Marina in South San Francisco.
  - We authorized the construction of an aquatic recreational facility in Oakland along the shoreline of the Oakland-Alameda Estuary.
  - We authorized the U.S. Fish and Wildlife Service to undertake a marsh enhancement project along the northern shoreline of San Pablo Bay in Sonoma County.
  - We approved the expedited authorization of four levee improvement projects to meet the Federal Emergency Management Agency's flood protection requirements in San Mateo County. Swift authorization and construction of these projects avoided the need for homeowners in the community of Redwood Shores to purchase expensive flood insurance.
  - We held a public hearing on a permit application from the California Department of Corrections and Rehabilitation to expand San Quentin State Prison in Marin County. Rather than meet BCDC's public access requirements, the Department redesigned the project so it could be built inland of the Commission's regulatory jurisdiction.
  - We agreed that a Caltrans payment of \$1,194,000 to the U.S. Fish and Wildlife Service to enhance public access in the South Bay Salt Pond Restoration Project would resolve a long-standing enforcement problem at the Dumbarton Bridge.
  - We approved three stipulated agreements to resolve violations at two restaurants on the San Francisco waterfront and one on the Emeryville shoreline. We also issued a cease and desist order to address violations in Alviso Slough in the City of San Jose.

- We advanced our commitment to make our regulatory program as efficient, effective and expeditious as possible by amending our regionwide permits so they pre-authorize a wider range of projects and activities.
- We continued the many partnerships we have with other organizations to leverage our capabilities and integrate our programs with complementary efforts. Among the most important of these efforts were the following:
  - In 2009 BCDC became a voting member of the regional Joint Policy Committee, which is coordinating efforts of the four Bay Area regional agencies that have responsibility for air quality, transportation and land use planning and Bay management in developing a regional climate change strategy. As part of our responsibilities we ratified the policies the Committee developed for the implementation of SB 375 in the Bay Area.
  - Recognizing that San Francisco Bay and the Sacramento-San Joaquin Delta are a single estuarine system that requires an integrated management approach, we intensified our efforts to coordinate planning for the Bay and the Delta by receiving briefings on the formulation of the Delta Vision Strategic Plan, the Bay Delta Conservation Plan, and the water and Delta legislative package enacted in late 2009.
  - We revised our policies that govern the operations of the Commission's Citizens Advisory Committee and our Science and Technical Advisory Committee to make these committees more effective in assisting us in carrying out our mandated responsibilities.
  - We advanced close coordination with the newly-established San Francisco Bay Restoration Authority by recommending that the Association of Bay Area Governments appoint local government representatives to the Authority who are also members of BCDC.
  - We approved a number of strategies aimed at strengthening our relationships with non-governmental organizations.
  - NOAA's Office of Ocean and Coastal Resource Management conducted an evaluation of BCDC's performance in implementing the Bay segment of the California Coastal Management Program. The draft evaluation results, which were released in late 2009, were highly positive.

As we look forward to BCDC's 45<sup>th</sup> anniversary in 2010, we are most pleased to draw to your attention a four-hour KQED public television documentary entitled, "Saving the Bay," which was broadcast in northern California in 2009. Narrated by Robert Redford, the series chronicles the history of the Bay since the last ice age and vividly describes to today's public why Californians made the historic decision to save San Francisco Bay through the establishment of BCDC in the 1960's.

As yet another oil spill in the Bay demonstrated last year, the job of protecting the Bay is never done. We are proud to inherit the responsibility for continuing to save the Bay and we welcome the challenges and opportunities we face as we try to make the Bay better for future generations.

Sincerely,

R. SEAN RANDOLPH  
Chair

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

## 2009 ANNUAL REPORT

SUMMARY OF PERMITS, FILL AND MITIGATION <sup>1</sup>									
Year	Major Permits <sup>1</sup>		Minor Permits <sup>2</sup>		Permit amend-ments	Net change in Bay surface <sup>3</sup> (acres)	Total Project cost <sup>4</sup> (\$000,000)	Public access (acres)	Public access (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
2004	7	0	74	0	95	+ 493.0	408	11.2	1.5
2005	8	0	57	0	93	+ 3,807.0	382	3.4	4.5
2006	1	0	35	0	114	+ 70.0	169	0.7	0.4
2007	8	0	52	0	71	+ 2,560.0	459	3.5	9.7
2008	5	0	39	0	73	+961.0	552	12.7	6.5
<b>2009</b>	<b>4</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>74</b>	<b>+174</b>	<b>500</b>	<b>1.5</b>	<b>0.2</b>
<b>TOTAL</b>	<b>579</b>	<b>26</b>	<b>3,581</b>	<b>11</b>	<b>3,634</b>	<b>+ 15,677.5</b>	<b>\$16,875</b>	<b>959.8</b>	<b>117.0</b>

<sup>1</sup>Projects authorized by permits and federal consistency concurrences. Some authorized projects have not been built, and some projects may have been changed pursuant to subsequent permit amendments.

<sup>2</sup>Smaller projects approved administratively or under regionwide permits.

<sup>3</sup>The area of the Bay created or restored, including salt ponds converted to tidal action, less the area of the Bay authorized to be filled in major permits and major consistency determinations through 1987 and significant administrative permits and amendments thereafter.

<sup>4</sup>Major and minor permits only.

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
2009 ANNUAL REPORT**

<b>SUMMARY OF ENFORCEMENT ACTIVITIES</b>	
Caseload at the beginning of 2009:	137
New cases opened in 2009:	37
Cases closed in 2009:	36
Caseload at the end of 2009:	138
Cease and Desist Orders issued:	3
Cases referred to the Attorney General:	0
Civil penalties received:	\$48,450

<b>WORK PROGRAM AND BUDGET</b>				
<b>WORK PROGRAM</b>	<b>FY 08-09</b>		<b>FY 09-10</b>	
	<b>PY</b>	<b>\$000</b>	<b>PY</b>	<b>\$000</b>
<b>Core Program</b>				
Permits/Consistency Determinations	10.1	1,173	10.1	1,099
Enforcement	2.0	239	2.0	224
General Planning	5.9	659	5.9	617
Executive, Legal and Legislative Support	5.6	740	5.6	693
Administration, Commission and Clerical Support	10.0	1,190	10.0	1,114
<b>Total, Core Program</b>	<b>33.6</b>	<b>\$4,001</b>	<b>33.6</b>	<b>\$3,747</b>
<b>Special Fund Projects</b>				
Enforcement (Bay Fill Clean-up Fund)	0.2	15	0.7	190
Permits (Federal Coastal Act Grant)	1.0	148	1.0	150
Enforcement (Federal Coastal Act Grant)	0.3	49	0.3	49
Assessment and Strategy (Federal Coastal Act Grant)	0.5	85	0.2	30
Climate Change (Federal Coastal Act Grant)	0.4	40	0.6	125
Water Quality (Federal Coastal Act Grant)	0.1	10	0.1	18
Federal Coastal Impact Assistance Program	0.0	0	0.0	194
Transportation Planning (Metropolitan Transportation Commission)	1.1	170	1.7	270
Oil Spill Prevention and Response Planning (Department of Fish and Game)	0.9	177	0.9	183
Transportation Project Review (Caltrans)	1.9	313	1.7	368
Wetland Restoration Planning (State Coastal Conservancy)	0.0	37	0.0	35
<b>Total, Special Fund Projects</b>	<b>6.6</b>	<b>1,044</b>	<b>7.2</b>	<b>1,612</b>
<b>TOTAL PROGRAM</b>	<b>40.2</b>	<b>\$5,045</b>	<b>40.8</b>	<b>\$5,359</b>
<b>BUDGET</b>				
<b>Expenditures</b>				
Personal Services		3,673		3,381
Operating Expenses and Equipment		1,372		1,978
<b>Total Expenditures</b>		<b>\$5,045</b>		<b>\$5,359</b>
<b>Revenue</b>				
General Fund		4,001		3,747
Bay Fill Clean-up and Abatement Fund		15		190
Reimbursements from Federal Grants		332		288
Reimbursements from Other Sources		697		1,134
<b>Total Revenues</b>		<b>\$5,045</b>		<b>\$5,359</b>