



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

May 8, 2020

Mr. Larry Goldzband
California Coastal Management Program
San Francisco Bay Conservation and Development Commission
375 Beale St., Ste. 510
San Francisco, CA, 94105

Dear Mr. Goldzband

Thank you for the San Francisco Bay Conservation and Development Commission's (BCDC's) January 9, 2020,¹ request for approval of changes to the Findings and Policies of the San Francisco Bay Plan pursuant to the National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act (CZMA) regulations at 15 CFR part 923, subpart H.²

With the clarifications, exceptions and qualification noted below, the Office for Coastal Management approves the incorporation of the changes as part of the federally approved San Francisco Bay segment of the California Coastal Management Program.

NOAA's regulations require that the state post a public notice of the Office for Coastal Management's decision.³ The public notice should state that as of the date of this decision letter the revised and new enforceable policies shall apply to federal consistency reviews under the CZMA and its implementing regulations found at 15 CFR part 930.⁴ Please include in the public notice the list of changes provided in this letter, and send a copy of the public notice to the Office for Coastal Management for our records to close out this file.

CHANGES APPROVED

See the attached Table of Approved Changes (BCDC-2020-1).

QUALIFICATIONS

¹ In accordance with CZMA § 306(e), a decision on the request was originally due on February 8, 2020, subject to extension. The Office for Coastal Management extended its review of this program change approval request to May 8, 2020.

² This program change request was submitted under the revised CZMA program change regulations at 15 CFR part 923, subpart H (84 Federal Register (FR) 38118 (Aug. 6, 2019)).

³ 15 CFR § 923.81(e)(5); 84 FR 38118, 38133 (Aug. 6, 2019).

⁴ 15 CFR § 923.81(f); 84 FR 38118, 38133 (Aug. 6, 2019).

The proposed change to the Bay Plan Map 4 (Central Bay North) adds Policy 21 that states:

Middle Harbor Enhancement Area – Provide the habitat and public access benefits at the U.S. Army Corps of Engineers’ (USACE) and the Port of Oakland’s Middle Harbor Enhancement Area (MHEA) project as described in the performance criteria of the USACE’s MHEA Construction Period and Long-Term Monitoring, Maintenance, and Adaptive Management Program.

The MHEA is a subtidal habitat creation project by the U.S. Army Corps of Engineers and the Port of Oakland. The San Francisco Bay Conservation and Development Commission concurred with the U.S. Army Corps of Engineers CZMA consistency determination for the project in 2000. The completion of the MHEA project has been delayed.

NOAA cannot recognize an assertion of state regulatory jurisdiction over federal agencies, land, waters and projects. The Program Change Decision Criteria states that a policy shall not refer to or otherwise purport to apply to federal agencies or federal lands or waters. A policy that would regulate or otherwise establish standards for federal agencies or federal lands or waters shall not meet the Act's definition of “enforceable policy.”⁵ By its terms, Policy 21 would appear to apply to the U.S. Army Corps of Engineers, a federal agency.

The Office for Coastal Management recognizes that Policy 21 may serve purposes other than for determining the consistency of federal actions with the Bay Plan and for those purposes is a part of the federally-approved program so long as it is understood that the Policy cannot be applied as an enforceable policy for CZMA review purposes.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for federal consistency unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this submission.

⁵ See the revised CZMA program change regulations at 15 CFR § 923.84(b)(4) (84 FR 38118, 38134) (Aug. 6, 2019)).

Thank you for your cooperation in this review. Please contact Sarah van der Schalie at 510-637-3794, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, BCDC-2020-2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', written in a cursive style.

Joelle Gore, Chief
Stewardship Division

Enclosure(s): Table of Approved Changes (BCDC-2020-2)

TABLE OF APPROVED CHANGES TO THE SAN FRANCISCO BAY SEGMENT OF THE CALIFORNIA COASAL MANAGEMENT PROGRAM (BCDC 2020 1)

Please reference the Office for Coastal Management May 8, 2020, decision letter for clarifications, exceptions and qualifications pertaining to this approval.

Legal citation <i>1000 Character Limit</i>	Title of policy, section, or other descriptor	Is the change new, revised, or deleted <i>Enter one</i>	Date effective in state <i>MM/DD/YYYY</i>	Enforceable policy <i>Y or N</i>	Enforceable mechanism citation <i>1000 Character Limit</i>
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part I – Summary	Major Conclusions and Policies, Paragraph 4: This policy was updated to describe the substantial benefits provided by using fill for ecosystem restoration, enhancement, creation projects, or shoreline protection projects.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part I – Summary	Major Conclusions and Policies, Paragraph 5: This policy was updated to capture today’s context of climate change and rising seas. The positive effects of filling related to habitat restoration are added to balance the predominantly negative effects that are listed in the existing policy. Other small changes are made to the existing policy language for accuracy.	Revised	12/27/2019	No	Not applicable.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Finding A: This finding was modified to clarify the impacts of human actions on Bay species and habitats. Vegetation and seaweed were added to the list of other aquatic organisms, as they are also Bay organisms in need of protection, thereby clarifying that the use of “other aquatic organisms” throughout the rest of the Bay Plan also includes plants and seaweed. Language is added to specify that the protections conferred throughout the Bay Plan are referring to native and commercially important organisms, not invasive species.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	<p>Not applicable.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Finding D: This finding was modified to add suspended sediment concentration, which is important to the conservation of fish, other aquatic organisms, and wildlife. Additionally, language was added to note that the ecosystem components stated are important for restoration of complete habitat.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	<p>Not applicable.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Finding F: The Bay Plan Maps do not include all the wildlife refuges as defined in this policy. To clarify that the Bay Plan Maps are not comprehensive in depicting wildlife refuges, the phrase “some of which are” was added.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	<p>Not applicable.</p>

San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding G: This finding was updated because the name of the California Department of Fish and Game has been changed to the California Department of Fish and Wildlife.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding H: This finding was edited to improve the consistency of the sentence structure, and to include the complete name of the Magnuson-Stevens Fisheries Conservation and Management Act	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding I: This finding was removed and replaced with a new finding, discussed below, that addresses additional regional frameworks for restoration goals.	Deleted	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding I: This finding acknowledges the milestones represented by several key regional strategies for habitat restoration and adaptation. These frameworks are an important point of reference for staff even as new science becomes available.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic	Fish, Other Aquatic Organisms and Wildlife Finding J: This finding acknowledges the challenges of assessing appropriate habitat type conversion, especially when considering allowing more fill in the Bay.				Not applicable.

Organisms and Wildlife		New	12/27/2019	No	
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding K: This finding acknowledges the potential impacts of sea level rise and insufficient sediment supply on tidal marshes, tidal flats, and shallow subtidal areas. The finding also describes the potential need for large volumes of sediment to increase habitat resilience, which would in turn provide habitat for the Bay’s fish, other aquatic organisms, and wildlife into the future. Additionally, this finding acknowledges that there is limited scientific information about deep subtidal habitats and the need for sediment placement there.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Finding L: This finding describes important factors to consider in determining “minimum fill necessary”, especially in light of sea level rise and allowing larger volumes of fill in the Bay.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	Fish, Other Aquatic Organisms and Wildlife Policy 2: This policy was modified to state that both species and their habitats should be protected. Additionally, a point was added to note that “protection” could include sea level rise adaptation strategies like placement of sediment to augment marsh plain				BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through

	<p>elevation, as habitats may be lost altogether in some cases if these approaches aren't used. The policy was updated to show that the name of the California Department of Fish and Game has been changed to California Department of Fish and Wildlife, and to reference the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to reflect the role of these federal agencies in protecting special status species. Additional changes were made to improve clarity and conciseness.</p>	Revised	12/27/2019	Yes	66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	<p>Fish, Other Aquatic Organisms and Wildlife Policy 3: The policy was modified to state that review of habitat projects should use the best available science on regional restoration goals, which will change over time.</p>	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife	<p>Fish, Other Aquatic Organisms and Wildlife Policy 4: The policy was edited to reflect that the name of the California Department of Fish and Game has been changed to the California Department of Fish and Wildlife, and otherwise to improve consistency in capitalization and abbreviation across the policies.</p>	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Policy 5: This policy was revised to remove the words “minor amount” in reference to fill, which excessively restricted the placement of fill, and to allow fill or a minor amount of dredging for habitat restoration, enhancement in wildlife refuges, or to provide appropriately located public facilities for wildlife observation.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Policy 6: This policy introduces general guiding principles to consider and weigh when assessing the potential impacts of a fill for habitat project, recognizing the risk of habitat loss from sea level rise, and the need to consider the long-term benefits of fill for sea level rise adaptation of habitat, even if some organisms and habitats may be adversely affected in the short-term.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Fish, Other Aquatic Organisms and Wildlife</p>	<p>Fish, Other Aquatic Organisms and Wildlife Policy 7: This policy was added to prioritize the placement of limited available sediment in the areas where it is needed most (shallow habitat in the Bay’s margins) and to allow for sediment placement in deep subtidal areas, which are not as well- studied as shallow aquatic habitats, when appropriate.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding G: This finding was updated to reference a more recent version of the Baylands Ecosystem Habitat Goals report.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding K: This finding was updated to reflect that transition zones will provide high tide refugia and migration space for wetland habitats, but that ultimately even transition zones may not provide the space needed for marshes to persist with sea level rise.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding L: This finding was modified to acknowledge the importance of reconnecting watersheds and restoring connectivity for increasing sediment supply and overall tidal marsh/tidal flat resilience. The finding was also updated to more accurately portray the trends in sediment supply to the Bay. Additionally, changes were made to remove unnecessary and repetitive statements.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding Q: This finding highlights some of the factors that could determine whether a habitat is sustainable, and notes the potential negative outcomes that could result from siting a project in an area	New	12/27/2019	No	Not applicable.

	where it is not sustainable. The finding also recognizes situations in which valuable habitat cannot be sustained into the future, but in which regular intervention is warranted because of the habitat's high value.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding R: This finding emphasizes the importance of pilot and demonstration projects to address the uncertainty surrounding methods, including fill for habitat approaches, that have not been tested in the Bay.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding S: This finding recognizes the benefits of regional monitoring, which is an increasingly desirable and feasible approach in the Bay Area.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Finding T: This finding defines adaptive management and notes the use of adaptive management as a tool for dealing with uncertainty, documenting best practices, and mediating risk, especially when dealing with sea level rise and novel habitat restoration approaches in the Bay.	New	12/27/2019	No	Not applicable.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Finding U: This finding describes that the level of uncertainty and risk associated with habitat projects varies depending on several aspects of the project, and provides that projects with high levels of uncertainty or risk may require more monitoring and adaptive management.</p>	<p>New</p>	<p>12/27/2019</p>	<p>No</p>	<p>Not applicable.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 4: This policy had been a part of Tidal Marshes and Tidal Flats policy 4 (now renumbered as policy 5), but has been separated into its own policy because it introduces a distinct idea from the rest of the content of Tidal Marsh and Tidal Flats policy 5. This policy has been revised to add context to clarify its intent. Additionally, the terms “State and regional” government, as well as “funding” policies, were added because regional and state agencies can often play a considerable role in land use planning and setting conditions for project funding, which could influence the use of restorable lands.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 5: This policy was updated to reference a more recent version of the Baylands Ecosystem Habitat Goals report. Language was also added to the policy to ensure that habitat projects are designed to be sustainable, well-connected, resilient, and supportive of</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through</p>

	endangered species. As discussed above, the language regarding preservation of restorable lands and land acquisition was moved to the revised policy 4.				66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Policy 5: The concept captured in this former policy was grouped with other policies (both existing and new) to create a new Tidal Marshes and Tidal Flats policy 12, as discussed below, that encourages the Commission to support research on several topics related to habitat restoration and sustainability in the Bay.	Deleted	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 6: This policy was modified to require that adaptive management plans be included in project planning when appropriate. This policy also requires additional analyses during the design and evaluation of the project to assess how the project fits within regional restoration frameworks/goals, a consideration of whether the project can be sustained by natural processes, and how the project restores connectivity. These additions are intended to require that applicants consider best available science in project design. The term sediment “transport” was added because sediment is a high priority in the Bay system, and thus understanding a project’s effects on the transport of that sediment is essential to understanding the full suite of the project’s benefits/impacts to the Bay. Additionally, the final sentence of this policy was deleted and moved to a revised Tidal Marshes and Tidal Flats Policy 7, discussed below, to address project management, because this policy primarily addresses project design.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 7: This policy was previously the final sentence of Tidal Marshes and Tidal Flat Policy 6, discussed above. Because most of policy 6 addresses project design, this language was separated out to distinctly address</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code</p>

	project management. In addition, this policy was revised to more clearly address how to manage projects that do not meet success criteria.				Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Policy 7: The concept captured in this former policy was grouped with other policies (both existing and new) to create a new Tidal Marshes and Tidal Flats policy 12, as discussed below, that encourages the Commission to support research on several topics related to habitat restoration and sustainability in the Bay.	Deleted	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Policy 8: This policy provides that required monitoring, adaptive management, and completeness of project design prior to starting a project can scale as necessary with the project’s level of risk.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats	Tidal Marshes and Tidal Flats Policy 9: This policy encourages and supports regional monitoring efforts and encourages coordination with these efforts wherever possible.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 10: This policy was revised to remove the words “minor amount” in reference to fill, which excessively restricted the placement of fill, and to allow fill for habitat enhancement, restoration, or adaptation to sea level rise.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 11: This policy encourages pilot projects and provides general rules on the design and execution of these projects.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policy 12: This policy encourages research on priority topics, including habitat restoration and creation approaches, as well as the research priorities that were previously described in, and have been moved to this policy from, Tidal Marshes and Tidal Flats policies 5 and 7.</p>	<p>New</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Tidal Marshes and Tidal Flats</p>	<p>Tidal Marshes and Tidal Flats Policies: Several existing policies have been re- numbered due to the inclusion of the new policies discussed above.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637</p>

					through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding J: This finding was updated to reflect best available science on use of fill materials for subtidal habitat projects.	Revised	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding K: This finding emphasizes the importance of pilot and demonstration projects to address the uncertainty surrounding methods, including fill for habitat approaches, that have not been tested in the Bay.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding L: This finding recognizes the benefits of regional monitoring, which is an increasingly desirable and feasible approach in the Bay Area.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding M: This finding recognizes the progress that has been made toward setting regional goals for subtidal habitat enhancement, restoration, conservation, and creation.	New	12/27/2019	No	Not applicable.

San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding N: This finding defines adaptive management and notes the use of adaptive management as a tool for dealing with uncertainty, documenting best practices, and mediating risk, especially when dealing with sea level rise and novel habitat restoration approaches in the Bay.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding O: This finding describes that the level of uncertainty and risk associated with habitat projects varies depending on several aspects of the project, and provides that projects with high levels of uncertainty or risk may require more monitoring and adaptive management.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Finding P: This finding highlights some of the factors that could determine whether a habitat is sustainable and notes the potential negative outcomes that could result from siting a project in an area where it is not sustainable.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 4: This policy was previously the final sentence of Subtidal Areas Policy 3, discussed above. Because most of policy 3 addresses project design, this language was separated out to distinctly address project management. In addition, this policy was revised to more clearly address how to manage projects that do not meet success criteria.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.

San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 5: This policy provides that the required monitoring, adaptive management, and completeness of project design prior to starting a project can scale as necessary with the project’s level of risk.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 6: This policy encourages and supports regional monitoring efforts and encourages coordination with these efforts wherever possible.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 8: This policy was revised to remove the words “minor amount” in reference to fill, which excessively restricted the placement of fill, and to allow fill for habitat enhancement, restoration, or adaptation to sea level rise.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 9: This policy encourages pilot projects and provides general rules on the design and execution of these projects.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637

					through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policy 10: The policy was modified to require consideration of regional habitat needs in the determination of where and how restoration should occur. Additionally, this finding recognizes that more research is needed to support decisions involving habitat conversion to facilitate the Commission’s assessment of future projects. Finally, oyster shell transport was added to this finding as an area of necessary research.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part III – The Bay as a Resource: Findings and Policies; Subtidal Areas	Subtidal Areas Policies: Several existing policies have been re-numbered due to the inclusion of the new policies discussed above.	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Finding F: This finding was updated to acknowledge that other habitats besides marshes can provide important shoreline protection benefits, and that shoreline protection approaches fall on a spectrum of hardened (grey) to natural/nature-based (green). The policy was also revised to recognize the importance of considering site-	Revised	12/27/2019	No	Not applicable.

	specific factors to determine project suitability.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Finding H: This finding notes that certain natural and nature-based features for shoreline protection may not be appropriate in some areas if the feature does not provide protection that is consistent with the adjacent land use, or if the feature attracts wildlife that could pose a high risk to human life or property by interference with adjacent land uses. This finding recognizes that this is primarily of concern near airports.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Finding I: This finding acknowledges the other ecosystem benefits provided by natural and nature-based features, beyond shoreline protection, and highlights that provision of these benefits can make projects self-mitigating.	New	12/27/2019	No	Not applicable.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Finding J: This finding was modified to clarify that scrap wood is really intended to mean scrap lumber, as woody material such as tree branches/trunks may be a part of living shoreline projects. The finding was re- lettered from g to j.	Revised	12/27/2019	No	Not applicable.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection</p>	<p>Shoreline Protection Findings: Several existing findings have been re-lettered due to the inclusion of the new findings discussed above, and the inclusion of findings described in the Environmental Justice and Social Equity Bay Plan Amendment (program change submitted separately).</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>No</p>	<p>Not applicable.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection</p>	<p>Shoreline Protection Policy 1: This policy was revised to require that not only the erosion and flooding conditions at the site, but the causes of those conditions, be considered in determining whether a shoreline protection project should be authorized.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection</p>	<p>Shoreline Protection Policy 5: This policy was modified to strengthen the requirement that all projects evaluate and include natural and nature-based features to the greatest extent practicable, and to require the use of the most recent science on natural and nature-based features. A potential exemption from incorporating natural and nature-based features is added for airports, because of the high risks to human life and property posed by potential collision of airplanes with birds.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and</p>	<p>Shoreline Protection Policy 6: This policy was revised to acknowledge that the use of natural and nature-based features provides ecological benefits that hard structures such as</p>				<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement</p>

Shoreline: Findings and Policies; Shoreline Protection	traditional seawalls do not. As a result, these benefits should be considered when evaluating the need for mitigation for the project and as an incentive to use natural and nature-based features.	Revised	12/27/2019	Yes	Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Policy 7: This policy encourages pilot projects that could help to advance research on and understanding of natural and nature-based shoreline protection.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Shoreline Protection	Shoreline Protection Policies: Several existing policies have been re-numbered due to the inclusion of policies described in the Environmental Justice and Social Equity Bay Plan Amendment (program change submitted separately).	Revised	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Dredging	Dredging Finding N: The finding was updated to reflect the fact that Baywide studies on the need for dredged sediment, as well as the Middle Harbor Enhancement Area Project, are already approved and underway. Also, “the use of dredged sediment” for habitat enhancement or restoration is a more accurate and current description of dredged sediment beneficial reuse activities than “in Bay disposal”.	Revised	12/27/2019	No	Not applicable.

<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Dredging</p>	<p>Dredging Policy 11.a.: The policy was updated to ensure that dredged sediment placement for habitat projects is performed in accordance with the best available science. Subsection 4 was removed from this policy because this provision prevented a net loss of Bay surface area, but beneficial reuse of dredged sediment in habitat projects in areas such as tidal marshes or other intertidal areas could result in a net loss of surface area. The term dredged “material” is replaced with dredged “sediment” to reflect more standard and up-to-date terminology. This policy was also updated to reflect that the name of the California Department of Fish and Game has been changed to the California Department of Fish and Wildlife.</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>
<p>San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Dredging</p>	<p>Dredging Policy 11.b.: This policy was modified to allow habitat projects in the Bay to use larger volumes of dredged sediment, except for projects that are similar to the Middle Harbor Enhancement Area (MHEA) project in the ways specified in the policy. In-Bay habitat projects that are similar to the MHEA project as specified continue to be restricted to using only a minor amount of dredged sediment until the MHEA project is completed successfully. Subsections 1 and 2 were removed from this policy and</p>	<p>Revised</p>	<p>12/27/2019</p>	<p>Yes</p>	<p>BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.</p>

	modified versions of these provisions were added to the new Dredging policy 11.c.				
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part IV – Development of the Bay and Shoreline: Findings and Policies; Dredging	Dredging Policy 11.c.: This policy encourages research and pilot projects to evaluate several subjects related to the beneficial reuse of dredged sediment. Former subsections 1 and 2 of Dredging policy 11.b. were modified and moved to this policy.	New	12/27/2019	Yes	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.
San Francisco Bay Plan (adopted and amended pursuant to California Government Code Sections 66651 and 66652), Part V – The Plan Maps; Plan Map 4 Central Bay North	Plan Map 4 Policy 21.: This policy requires that habitat benefits be provided at the Middle Harbor Enhancement Area project as described in the performance criteria of the original maintenance and adaptive management plan for that project.	New	12/27/2019	No	BCDC Permit Program: California Government Code Section 66632, and BCDC Enforcement Program: California Government Code Sections 66637 through 66642.