



# Commission Workshop Eight: BCDC Laws and Policies



San Francisco Bay Conservation  
and Development Commission



# Workshop Agenda

- 1:30 Welcome and Introductions
- 1:45 Summary and Findings of Workshop 7
- 2:30 Bay Fill Actions Priority Discussion
- 3:30 Discussion Report Out
- 3:55 Wrap up and Next Steps
- 4:00 Adjourn

# Commission Workshop Series

- Five Year Review: Climate Change Policies
- Regional Resilience: Current Efforts, Regional Issues
- Prioritizing Regional Actions: Sticker Voting!
- Commission Consideration of Future Actions
- Commission Vote on Rising Sea Level Priorities
- Implementation of Priorities and Guiding Principles
- Projects on Parade: Examples of County-scale adaptation plans
- Bay Fill Policies: Issue Posters & Our Future Bay



# Commission Adaptation Actions

On October 6, 2016, the Commission voted to prioritize the following actions and here is our progress to date:

- ✓ Regional Adaptation Plan (December 2016 Workshop)
- ✓ Complete County-Scale Climate Adaptation Plans (Today)
- ✓ Explore Institutional Arrangements
- ✓ Increase the Resilience of Regional Assets (December 2016 Workshop)
- ✓ Modifications to Commission's Laws, Policies, Regulations and Practices (Bay Fill Working Group Workshops held in April and May of 2017 and Policies for a Rising Bay completed in 2016)
- ✓ A Regional Education Campaign
- ✓ A Regional Data Portal
- ✓ Commission Working Group on Financing the Future (Meetings were held in February 2017 and April 2017)



# Workshop 7, 8 & 9 - Action 5: Commission's Laws, Policies & Regulations



- ✓ Bay Fill Working Group
- ✓ Policies for a Rising Bay Project

- Share what's been learned in previous efforts
- Seek your input- do we have all of the issues? Is the characterization of the issues correct? Have we been engaging with the right partners?
- Identify priority issues- what should we work on first?
- Recommendations to the Commission for action



# Workshop 7 Summary



- ✓ Eight issues were introduced and discussed in a poster session
- ✓ Participants visited three issue posters
- ✓ Comments, concerns and potential solutions were provided by participants
- ✓ No additional topics were identified on the “What’s Missing?” wall
- ✓ Seven groups discussed and identified qualities and features of an ideal future San Francisco Bay

# Poster Session Included 8 Priority Topics

- Fill for Habitat Projects
- Green Infrastructure for Flood Protection
- Beneficial Use of Sediment
- Fill as Protection from Flooding  
(Tide gates, levees and seawalls)
- Adaptive Management
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice
- Regional Planning



# Fill for Habitat Projects

- Incentivize pilot projects since we have time now.
- Random Sampling of projects – Regional Monitoring.
- Consider redefining “Fill,” seems to be major constraint.
- Be outcome performance oriented.
- No mitigation for restoration.
- Speed up permit process for climate adaption projects (internally/regionally).
- What does monitoring look like for SLR projects?
- Need regional planning to determine where things like horizontal levees are appropriate & where their use is really intended to make development possible.



# Green Infrastructure for Flood Protection



- Coordinate permitting from resource agencies, such as Federal, State, and Regulatory.
- Time horizon by 2030 to viable and permit coordination and policy updates.
- Monitoring of flood protection and maintenance.
- Explicitly capture ecological benefits in definition.
- Research and guidance to applicants/staff on what solutions are appropriate.
- Identify model projects.

# Green Infrastructure for Flood Protection



- With a focus on actions that are literally green, though interesting, this does not take the most difficult problems and/or the initiatives that have had attention or are familiar.
- Require projects to provide rationale for why green infrastructure can't be used.
- Green Infrastructure is a term of art that means something else re: water quality.
- More clear terminology of green infrastructure.
- How were the current green infrastructure projects approved? Is there documentation of the process?

# Beneficial Use of Sediment



- Muzzi Marsh was volunteered as a pilot project for thin layer placement of sediment in subsided marshes.
- Could BCDC use its CZMA authority and certification process to address disposal at the San Francisco Deep Ocean Disposal site?
- Could a barged based stockpile work?
- Create uses for different types of grain sizes, such a gravel.
- Create a landside stockpile treating sediment as a resource.
- Put sediment at the mouth of the creeks and rivers.
- Match small dredging projects geospatially with restoration sites.
- Identify a way to address small volumes of contaminated soils.

# Beneficial Use of Sediment

- Focus sediment reuse in locations where natural sediment transport cannot deliver the needed supply.
- Explore sediment augmentation of in-bay placement (with modeling first) as this could be economical strategy.
- Examine and explore the real cost of ocean disposal.
- Address the Army Corps' Federal Standard issue.
- NERR is beginning to research on thin-lift placement.
- Contaminant should be addressed.
- South Bay subsidence continues to be an issue, therefore sediment is needed to fill salt ponds for marsh plain development.
- Should have to demonstrate that the material can't be beneficially reused as place in the bay rather than other way around.



# Fill as Protection from Flooding



- Identifying and protecting critical infrastructure in the Bay.
- How to integrate into other solutions (softer solutions) and coordinating with others.
- Fill a pejorative term.
- Flexibility range from Gray to Green challenges with maintaining public access. Connecting to social equity and public access. Gray infrastructure impacts to community. Comment under CEQA. Hard vs. Soft in Regional plan. What's appropriate? Gray vs. Green conversation. Interested in guidance as to when one is better than the other. "Gray as protection from flooding".
- Per the solutions on the poster wants to know... *"Conduct a legal analysis of thresholds that may be included in shoreline protection permits to trigger adaptation actions as the project reaches benchmarks."* Does this penalize the first "half" of shoreline protection projects?

# Fill as Protection from Flooding



- *“Require risk assessments and adaptive management plans to address potential flooding and erosion impacts on adjoining properties and include actions to reduce those impacts” ALSO “ Consider policies and guidance that addresses flood protection infrastructure, specifically related to retreat where feasible, connectivity with adjacent areas, assessment of all flooding sources, and phased adaptation”*. Do these assume this a one-size-fits- all solution for neighboring sponsors?
- Major initiatives must always come with a plan for access mitigation to “inhabit the edge.”
- Most powerfully in need of attention to strategic and functional development.
- Shoreline resilience projects must be a product of ART and science development with public delight with functional protections.
- Inter-governmental consideration to align/integrate regulation objectives/ priorities will enable action sooner.

# Fill as Protection from Flooding



- Plan at the Landscape-Scale best achieved by public planning processes supported with strong strategic interagency collaboration.
- Regional Adaption Plan (RAP) should identify projects to receive coordinated permitting.
- The amount of fill, either for Gray or Green infrastructure, should not be criteria for approval. Rather the efficiency of the solution should control the approval.
- Revise for the future needs and not the past drivers.
- Issue not framed correctly – 1<sup>st</sup> Issue not true today... Today, as a matter of policy, fill is necessary in order to adapt. Thinking about laws and policies and enough jurisdiction.
- Legislature – Start a process to re-invent BCDC and to go to the legislature without a predetermined outcome.
- Tinkering with an old law intended to address past issues.

# Adaptive Management



- Consider using code compliance to trigger adaptive management.
- The potential solutions make good sense.
- Adaptive Management allows learning by mistakes advancing restoration science.
- Better definition of Adaptive Management.
- Adaptive Management ties everything together.
- If Staff capacity is a concern, having monitoring of adaptive management be the responsibility of another agency or non-profit could be a solution.

# Adaptive Management

- Must be flexible – Can't be treated as rules/criteria.
- BCDC functions as a platform for regional agency project coordination.
- Adaptive Management should be a priority! Applies across most issues.
- BCDC should have flexibility in permitting to allow for adaptation across all projects.
- Adaptive Management is important and there needs to be consistency between BCDC planning policy(s) and application to BCDC permits.
- Work towards Bay wide adaptive management plan “Learn from Mistakes”.



# Mitigation in the Face of Rising Tides



- Use of existing frameworks such as the RAMP program to leverage mitigation investments
- Should create a regional mitigation bank on RAMP model.
- Mitigation Banking should evolve to regional mitigation — public agencies are around forever.
- “Regional mitigation plans will be essential. While the mitigation bank concept is seriously flawed, since it is profit-driven rather than result driven, multi-agency unification banks, based on best science may be beneficial. Need to do this no matter which of the chosen strategies.”

# Mitigation in the Face of Rising Tides



- How to bring all permit/resource agencies to the regional table to agree early and save time and cost – set the pace?
- Policies are not consistent with USACE mitigation role.
- Limits on banking and requirements on Mitigation in light of future adaptation needs rather than past objectives.
- Mitigation for Gray vs. Green Flood protection. Green creates habitat, but requires more mitigation because it covers more surface area. True or False?

# Social Equity and Environmental Justice

- Protect employment centers (people commute).
- Permitting issues.
- Citizen Advisory Group.
- McAteer-Petris Act amendment.
- Quality checklist for permits.



# Regional Planning

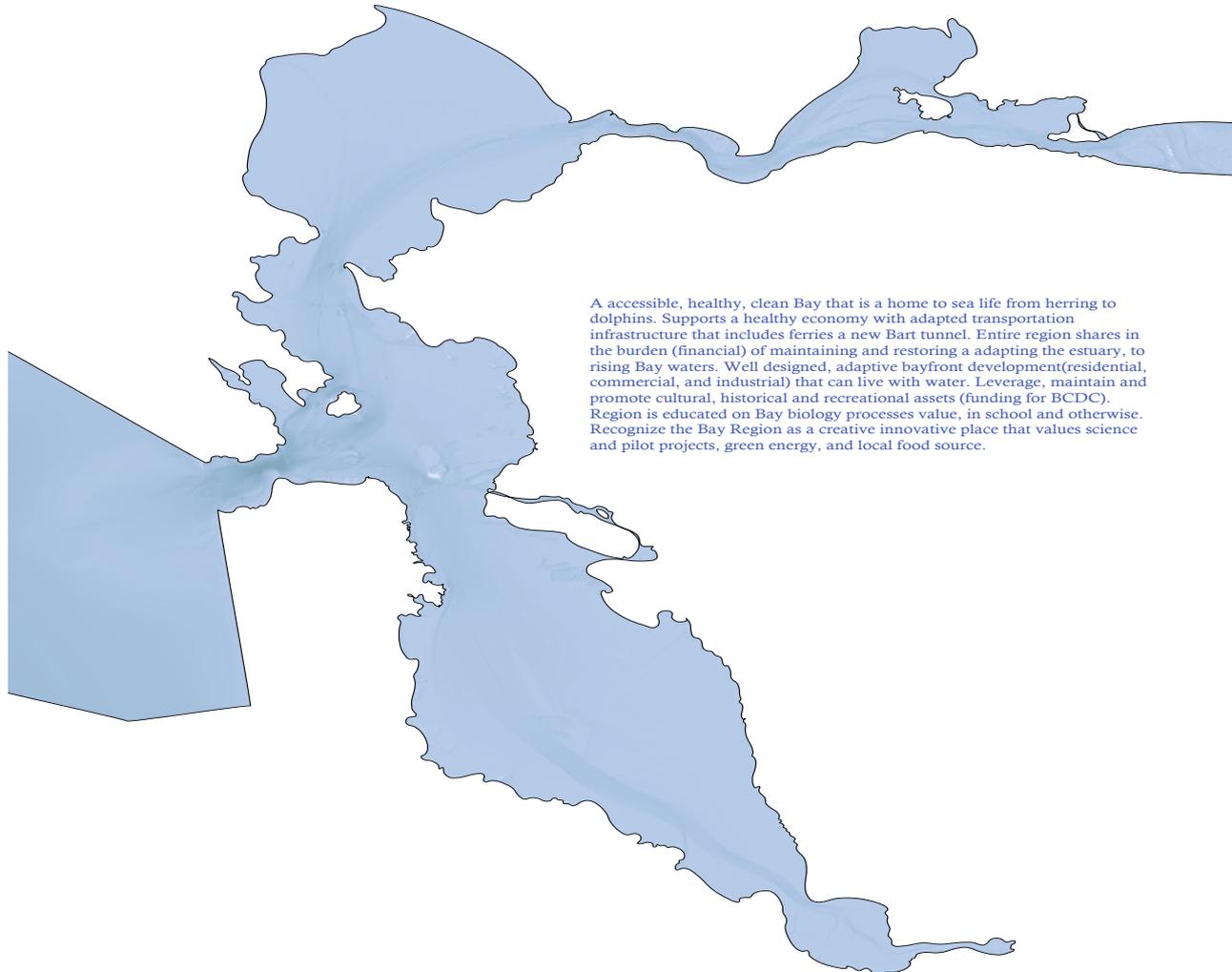


- Use regional adaptation plan similar to TEP to identify areas for green infrastructure and shoreline protection.
- Don't let the process of developing a regional plan get in the way of needed law/policy changes.
- Can regional planning potential solutions be addressed more effectively in a context other than a regional plan?



# *What Do You Want Your Future Bay To Be?*

TABLE 1



A accessible, healthy, clean Bay that is a home to sea life from herring to dolphins. Supports a healthy economy with adapted transportation infrastructure that includes ferries a new Bart tunnel. Entire region shares in the burden (financial) of maintaining and restoring a adapting the estuary, to rising Bay waters. Well designed, adaptive bayfront development(residential, commercial, and industrial) that can live with water. Leverage, maintain and promote cultural, historical and recreational assets (funding for BCDC). Region is educated on Bay biology processes value, in school and otherwise. Recognize the Bay Region as a creative innovative place that values science and pilot projects, green energy, and local food source.



# 4 Priority Topics Selected:

- Fill for Habitat Projects
- Beneficial Use of Sediment
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice



# Not Prioritized for the Next 3-5 years:

- Green Infrastructure for Flood Protection
- Fill as Protection from Flooding  
(Tide gates, levees and seawalls)
- Adaptive Management
- Regional Planning



# Table Top Discussion Activity



- Pick a topic and proceed to that table
- Discuss the pros and cons of each proposed action
- Discuss the timeframe proposed for each action
- Add information or actions as needed
- Individually rank each action

## **Timeframes:**

- Short Term 1 - 2 years
- Medium Term 2 - 3 years
- Long Term 4 - 5

## **Topics**

- Fill for Habitat Restoration
- Beneficial Use of Sediment
- Mitigation in the Face of Rising Tides
- Social Equity and Environmental Justice



# Report Back Discussion

- Insights from the discussion?
- Any new issues or solutions added?
- Thoughts on priorities of actions and timing?



# Commission Workshop Series Next Steps

June 1<sup>st</sup>

Financing the Future Working Group Meeting

June 15<sup>th</sup>

Bay Fill Working Group Workshop 3



Thank you!