

San Francisco Bay Conservation and Development Commission

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TO: Bay Fill Policies Working Group Members

FROM: Steve Goldbeck, Deputy Director (415/352-3611; steve.goldbeck@bcdc.ca.gov)

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SUBJECT: October 20, 2016 Commission Bay Fill Policies Working Group Meeting Summary

1. Roll Call, Introductions, and Approval of Agenda. Bay Fill Policies Working Group (BFPWG or Working Group) Chair Barry Nelson called the meeting to order at the BCDC Offices, at approximately 11:00 a.m. and asked everyone to introduce themselves.

Working Group members in attendance included Chair Barry Nelson and Commissioners Jason Brush, Katerina Galacatos, Jim McGrath, and Sean Randolph. The presenter was Roger Leventhal, Senior Engineer at Marin County Flood Control District. Staff in attendance were Brenda Goeden, Steve Goldbeck, Lindy Lowe, Anniken Lydon, and Miriam Torres. Also in attendance were Matt Brennan, PhD, (Environmental Science Associates), John Coleman (Bay Planning Coalition), and Miriam Gordon (Clean Water Action).

2. Approval of August 18 and September 15, 2016, Meeting Summaries. The Working Group members approved the meeting summaries for August 18 and September 15, 2016, as presented.

3. Discussion Regarding the Commission's Approval of the Sea Level Rise Workshop Recommendations. Brenda Goeden, the BCDC Sediment Program Manager, directed everyone to the staff report on the final recommendations from the Commission workshop series on rising sea levels, which was included in the meeting packet. Lindy Lowe, the BCDC Senior Planner and Lead on the Commission's workshop, highlighted Recommendation 5 as most relevant to the Working Group. She stated the next step for the Working Group is to develop implementation recommendations for each of the eight staff recommendations to be brought back to the Commission.

Chair Nelson stated the actions related to Recommendation 5 are on page 8 of the staff report. He suggested discussing to what extent the Working Group should incorporate the other seven recommendations and associated activities into its work. The Working Group discussed the following: (1) Many of the activities are ongoing; others may require procedural changes, Bay Plan amendments, or legislation in the future; (2) the Working Group should only

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BAY FILL POLICIES WORKING GROUP SUMMARY
October 20, 2016

take a supporting role for some of the activities, such as the data repository or a public education campaign; and (3) Staff must complete the pathways document before discussion on the pathways relevant to the Working Group can begin.

Regarding the individual recommendations, the Working Group had the following thoughts:

Recommendation 1:

Recommendation 1 needs its own workshop. A regional sea level rise (SLR) adaptation plan is central to the Commission's work and should be included in its regulation, although the BFPWG may not be the group to draft it. The SLR adaptation plan is a combination between a work program and an identification of institutional mechanisms, such as the project lead and existing tools, processes, and information that can be built upon. When something is adopted, it is important to have a discussion at the Commission or Working Group level about the regional adaptation plan because adopted items may require California Environmental Quality Act (CEQA) action. Creating a regional adaptation plan can be many things, such as more broad and general compared to more specific directives. Ms. Lowe stated the Commission discussed regional adaptation actions in their second meeting, such as policy, guidance to make it easier for individuals to comply with statute. She stated the Regional Transportation Plan could be used as a model.

Recommendation 3:

Recommendation 3 needs its own workshop. The role of the Working Group is unclear for Recommendation 3. Ms. Lowe stated staff's responsibility is to describe what is currently going on regionally, the gaps, the options for institutional arrangements, and best practices. "Encouraging" collaboration for a shared regional perspective may not be a strong enough word in every instance. There is authority in Joint Power Agreements (JPAs) or Interagency Agreements that may be sufficient if the resources and political will are there. Ms. Lowe agreed that those are some of the gaps that staff will identify. The questions are how to frame the issues and move towards an answer to Recommendation 3, and where that work gets done. Ms. Lowe stated the work happens at the BCDC, which will make it happen elsewhere, such as at the Bay Area Regional Collaborative (BARC), as the conversation increases. Some areas are outside of the BCDC's jurisdiction in relation to pilot projects.

Commissioner McGrath provided the example of Highways 37 and 101, which are in different counties, as opportunities and challenges of working across jurisdictions. Vulnerability assessments will help agencies such as Caltrans to understand the assets in their portfolio in order to make logical decisions based on those assets. Institutional arrangements in the context of the need to create a new agency, expand the BCDC's authority, or form JPAs are one thing, but a conversation in a much finer grain would be to tackle problems such as vulnerability assessments or adaptation plans. Ms. Lowe stated the relationship between the two approaches should be determined. It is important for the most vulnerable areas to be addressed. Ms. Lowe stated that cannot be guaranteed because assessment is generally based on work plans and grant funding limitations.

Recommendations 4 and 5:

These recommendations are clearly in the scope of the Working Group.

4. Use of Tidal Barriers as a Sea Level Rise Protection Measure. Ms. Goeden stated the Working Group had asked staff to prepare four topics for discussion on the built environment prior to hosting the Bay Fill Workshop for the full Commission. Per their request, the meeting topic presented today will be tidal barriers. She noted that support materials on this topic have been included in the meeting packet, such as definitions, questions, and policies with important language highlighted in yellow.

Roger Leventhal, Senior Engineer at the Marin County Public Works, Flood Control Division, and member of the BCDC Design Review Board, provided an overview, accompanied by a slide presentation, of the definition of tide gate, large gates of rivers and bays, smaller gates on creeks, what is heard about tide gates at the local level, adaptation choice, the need for pumps, the Mission Creek Report, Holland and Germany's heavy reliance on tide gates, whether Europe is re-thinking its reliance on tide gates, Marin County and SLR, Richardson Bay, the "back of the napkin solution," preliminary Bay coastal barrier layouts, existing Marin tide gates, and the pros and cons of tide gates as SLR barriers.

Ms. Goeden summarized the San Francisco Bay Plan policies outlined in the meeting packet. The Working Group discussed the following:

- How to plan effectively to consider tidal barriers in an appropriate context.
- How to approach mitigation for a tidal barrier, because it is a different kind of fill that restricts tidal access with greater impacts over time.

Mr. Leventhal suggested working on a project-by-project basis, giving a little here and trading a little there. Ms. Goeden stated the work on policies by planning is broad scale, but the policies are implemented on project-by-project basis. She suggested that the BCDC offer guidance, information about the options evaluated, and why certain solutions were chosen. Working Group members stated it is important to begin early and financial and insurance entities need to be included in the planning process.

Because the discussion on agenda item three went longer than anticipated, Chair Nelson suggested next steps for the group on this topic. Ms. Goeden stated this discussion can continue at the November meeting or another speaker on another topic can be brought in for the November meeting and this discussion can be brought back later at the end of the series. Chair Nelson stated there is not enough time for each topic to take more than one meeting to discuss. He suggested that staff identify key questions for each of the four topic area meetings to bring back for a final discussion meeting, because the questions may overlap and the solutions may identify multiple problems. This worked well with the habitat and built environment discussions. Working Group members had comprehensive ideas and priority answers after more fully understanding the issues.

There was a suggestion about adding the topic of the geographic location of critical habitat assets and natural assets, because this has not been done to date and is important for stakeholders to know. Ms. Goeden stated the location of critical habitat assets work will be included work under consideration by the Baylands Habitat Goals Update team. Further, the meeting schedule is not such that the Working Group can accomplish this task as well as prepare for and host the Commission Workshops as planned for late winter early spring. The Working Group members agreed.

5. Adjournment. There being no further business, Chair Nelson adjourned the meeting.