

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: DRAFT December 15, 2016 Commission Bay Fill Policies Working Group Meeting Summary

1. **Roll Call, Introductions and Approval of Agenda.** Bay Fill Policies Working Group (Working Group) Chair Barry Nelson called the meeting to order at the Metropolitan Transportation Commission offices and asked everyone to introduce themselves.

Working Group members in attendance included Chair Barry Nelson and Commissioners Jason Brush, Katerina Galacatos, and Jim McGrath. Staffs in attendance were Brenda Goeden, Steve Goldbeck, Miriam Torres, Alex Braud, and Anniken Lydon. Also in attendance were Matt Brennan, PhD, (Environmental Science Associations), Tess Byler (San Francisquito Creek Joint Power Authority (SFCJPA)), Len Materman (SFCJPA), John Coleman (Bay Planning Coalition), and Kelly Ramos (SFCJPA). Chair Nelson stated that the staff had prepared recommendations regarding the Work Plan and BCDC workshops.

2. **Approval of Working Group Summary from November 17, 2016 meeting.** The working group approved the meeting summary as presented on December 6, 2016.

3. **SAFER Bay Concept and Gray to Green Infrastructure.** Len Materman of the San Francisquito Creek Joint Powers Authority presented to the Working Group SFCJPA's strategy to advance flood protection, ecosystems and recreation along portions of San Mateo and Santa Clara Counties' shorelines.

Ms. Goeden gave a brief explanation of the concept behind green-to-gray infrastructure concept, stating that there are multiple ways to address shoreline issues, including those that are nature based, such as marsh restoration and living shoreline techniques, in a continuum of additive hardened components, such as low rock berms until the end of the spectrum is reached at vertical seawalls. She thanked Mr. Materman for joining the Working Group and providing an interesting example of different components and how they may be used along a shoreline.

Mr. Materman informed the Group that the SAFER Bay Project addressed three floodplains; two creeks floodplains, the Bay floodplain and the areas comprised of both of the above. Several years ago the JPA Board decided that it made sense to pursue shoreline restoration and protection at the same time. He stated that the San Francisquito Creek Restoration and Flood

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Protection project was permitted by BCDC in February of this year. The assumption in all of the SFCJPA's work is that it provides a 100-year protection from fluvial flooding, tidal and sea level rise flooding. The area of the SAFER Bay Project extends from the Mountain View/Palo Alto border up to the Redwood City/Menlo Park border. He informed the Working Group that there are many assets in this area including 12 miles of state roadways, a regional water treatment plant for Palo Alto, the regional airport and a major business development in East Palo Alto.

The SAFER Bay Project examined the topography of the entire area. The goal is to get people out of the national flood insurance program. We want to protect areas that are located in areas that are affected by up to 13 feet of combined sea level and storm surge. The work is looking at the benefits of this project regionally. They are examining opportunities to turn certain areas into tidal marshes. Some of the questions the project is grappling with are: Should Highway 84 be armored or should it become a causeway, should the PG&E substation continue to exist in its present location and a number of others that we have to think about right now. The SAFER Bay Project includes two counties, three cities, 11 miles of shoreline including 11 reaches comprising 24 options and we are envisioning construction to occur in two phases.

SAFER Bay project includes at least two phases. The first phase would get people out of the current FEMA floodplain and the second phase would deal with sea level rise. We will look at what areas would be most urgent to build in terms of risk and potential financial benefit and are there certain areas that could be built that would protect an area that does not require connection of the whole system. Another project objective is utilizing the marshes for flood protection in a way that sustains the marsh habitat. The project would also like to minimize future maintenance requirements and create partnerships with entities whose assets could be protected, both private and public.

Mr. Materman stated that a feasibility report came out in October. This report only covers the San Mateo side of the project due to funding limitations at this time. There are nine reaches in this area and several alternatives for each reach. Mr. Materman briefly discussed the methodology used by the project to assign percentages to costs, maintenance, restoration and recreation to determine an overall ranking order for the different alternatives. Chair Nelson asked if all of the options and reaches fully met the Project's protection objectives and that they all provided equivalent protection. Mr. Materman stated that they all could meet the objectives and that some options were more expensive than others.

Mr. Materman discussed the different reaches in this area and briefly discussed their ramifications. These ramifications included but were not limited to considerations of: neighboring jurisdictions that are not ready to make a determination on what action to take regarding sea level rise; or a jurisdiction that might want to build but has a different interest and design criteria. How to deal with these types of situations is still being discussed within the SFCJPA. This project is working collaboratively with Cargill, who owns the adjacent salt ponds. In addition, Facebook is putting money into this project and discussions are ongoing regarding options and strategies dealing with their property. Mr. Materman stated that they are also in

discussions with Caltrans and that the reach encompassing Highway 84 is a complicated and challenging. Many issues and details are yet to be determined.

A brief overview of the anticipated schedule was shared with the Working Group. The public involvement segment of the project was mentioned and chronicled. Funding for the project was discussed with detail given to sources and amounts of money allocated to date.

Questions and Discussion

Commissioner McGrath inquired about the expected flood insurance costs per parcel and potential savings. Mr. Materman said that Flood Emergency Management Agency (FEMA) only gives numbers for each zip and not which properties are in which floodplain. Current insurance costs for each city involved were mentioned. Based on the information at hand a 50 percent reduction in insurance costs is anticipated. Commissioner McGrath reiterated that the economic drivers are really important to understand. He mentioned that insurance agencies are not loyal and they do not worry about long-term risks because they have no commitment. He wondered how one would get around this problem with this type of project. Mr. Materman stated that building in five-year increments would be one way to handle this. The permitting process and the building schedule are crucial to effectively implementing this type of strategy.

The newly released maps make a difference on the geography of rates but they do not make a difference on the financing of it. The cost per parcel is more determined by what Congress does in terms of what the requirements are nationally. Mr. Materman opined that the financing piece of this project is the area that can have the greatest value to the rising Bay conversations that are happening throughout the region on how we deal with these issues. The insurance piece will be a big part of this discussion.

Chair Nelson inquired about the tradeoffs, costs and resource protection in three regions that Mr. Materman had mentioned. Mr. Materman discussed the regions and detailed some of the options being considered in these areas.

Commissioner McGrath brought up the subject of retreat versus protection and how this could be discussed without triggering fear responses among those affected by this. Mr. Materman wondered out loud how BCDC could encourage jurisdictions to do the right thing in terms of sea level rise. Balancing societal pressures is daunting and complicated and must be handled fairly and diplomatically in order to effectively deal with this issue.

Ms. Goeden inquired about strategies regarding potential hydraulic connections between the canal ways and the marshes. Mr. Materman stated that there was quite a bit of discussion of this in the South Salt Pond Restoration Project and the permitting agencies for quite some time. Mr. Matt Brennan with ESA discussed some of the details and agreed-upon measures produced by the Salt Ponds Project.

Chair Nelson asked that as the project is looking at the options where there are some resource protection tradeoffs if mitigation strategies had been considered yet. He posed a hypothetical to Mr. Materman and wondered if self-mitigation might come into play.

Mr. Materman stated that the Project's working assumption is that in negotiations with the resource agencies they will find sufficient acreage of restoration to offset the impacts and make the project "self-mitigating." There is no reason to pursue an approach that would not restore the adjacent marshes.

PG&E is extremely interested in this project and they understand the benefits of joining in the effort. However, Caltrans wants us to protect the whole of Highway 84 but has not yet contributed to the design or planning effort.

Commissioner Galacatos asked if the Project was envisioning it being permitted all as one project or as separate reaches. Mr. Materman mentioned that one of the selling points of the project is that the cumulative impacts are outweighed by the cumulative benefits. Segregating the project reaches does not make a lot of sense. One of the conceptual tenants of the JPA is that we can do more together of higher value than we can separately. Commissioner Galacatos recommended that considering the scale of the project the proponents should concentrate starting that permitting process before getting the Environmental Impact Report/Statement certified. This would allow the regulatory and resource agencies that are going to want to look at the alternatives more time to do so.

Commissioner Randolph asked for the definition of a hydrostatic floodwall. Mr. Materman explained that it is a floodwall that lies flat on the roadway until there is enough water on the roadway that you can't drive on it. At that point, the floodwall is triggered to rise up and lock into adjacent structures. One benefit is that during a flood event it does not require human intervention, but rather responds to physical conditions. Commissioner Randolph also asked for the term "causeway" to be defined. Mr. Materman stated that it is a roadway or other structure that is pile supported, or a pier-like so that water can go underneath.

Ms. Goeden mentioned that one of the subjects the Working Group examined was the tide gates and as sea level rises how more frequently the closures would come. Commissioner McGrath mentioned that duration of closure is a function of extreme storms. This is closely tied to fluvial floods and the tidal cycles. Ms. Goeden requested that Mr. Materman talk a little bit more about the recreational pieces of the Project. Mr. Materman stated that the Bay Trail is throughout the Project. He shared details on how different aspects of their work would enhance public access along levee tops.

Chair Nelson asked about the permitting process. Matt Brennan of ESA in response to Chair Nelson's question stated that the subject of permitting the work as an entire project rather than in phases had not been discussed. Mr. Kevin Murray (SFCJPA) said that regarding the difference in phasing there are different elevations that can be built at different times and there are the two sides; the North Reach and the South Reach, each with its own issues. Any of the individual reaches do not have individual utility if it is built by itself. You have to consider the whole region together in order to get the functionality of the Project.

4. Updated Work Plan and Workshop Discussion. Ms. Goeden stated a work plan had been put together and all of the habitat-based policies had been examined and the

development-based policies are being considered in a shortened form because Commission Chair Wasserman would like full Commission workshops this spring. She gave a brief summary of the subjects and discussions covered in previous meetings. Future subjects and discussions were briefly outlined by Ms. Goeden. The subject of reporting to and bringing BCDC Commissioners up to speed on where the Working Group is at was also discussed. Data gaps and knowledge gaps would also be discussed. Potential pilot projects would be discussed as well. Policy options and potential direction of the Commission would also be touched on. A catch-up meeting to discuss the items that the Working Group was unable to get to should be considered. She stated that the Working Group should think about what form the workshops should take, and consider what worked well for the rising seas workshops.

Chair Nelson mentioned that he had a fairly general discussion with Executive Director Goldzband and Chair Wasserman. Zack mentioned that he wanted an accelerated timeline on the initial plan from the Working Group. Chair Nelson was concerned with the reoccurring pattern of not having enough time in the Working Group meetings to complete the agenda items. He mentioned that adding meetings or extending the meetings should be considered. It was decided that the group would start meeting at 10:30 am to provide additional time for discussion. He discussed potential subjects for the April, May and June meetings in 2017.

Commissioner McGrath mentioned that the horizontal levee had been in the regional conversation for some time. Since this conflicts with a number of policies; presenting this to the Commission might be the best way to have them get their feet damp. Chair Nelson stated that the horizontal levee pertains to the resource and the development side of the equation. Commissioner McGrath opined that the naked policy question is, is it appropriate to fill the Bay for wetlands for what will be any more resilient and perhaps more habitat friendly alternatives? Is this to be evaluated on the current condition or do you base it on the level of certainty you have that this system is going to be flooded out? And how do you parse the risk?

Ms. Goeden mentioned that the option of doing an additional workshop, if needed, in July. She stated that the Working Group should be thinking about what sorts of things are going to be presented to the Commission in June and July of 2017. Chair Wasserman wanted to see options along with some potential solutions to the issues. Chair Nelson added that Chair Wasserman would like to see options and not language but a direction to go in. Chair Wasserman would like to see options laid out and initial recommendations put forth.

Commissioner McGrath stated that his concern was getting to “yes” and making it safe for the agencies to make changes to policy. He had been concerned since the passage of Measure AA that a whole series of “dry runs” might take place. His understanding was that all the political system had been wired to have regulatory and resource agency staff focus their work on the Delta issues and projects rather than anything else. Ms. Galacatos mentioned that targeting a particular federal agency’s main concerns at a future meeting might be a way to encourage them to attend.

Commissioner Brush mentioned that EPA is hosting a workshop on November 5th that would address some of the issues being discussed. The focus of this workshop will be on

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getting to, “yes” on a subset of issues around permitting for restoration in the Bay. The federal and state resource agencies will be attending and the restoration community will be well represented as well.

Chief Deputy Director Steve Goldbeck cautioned about having the April meeting being just a dog-and-pony show. He felt the focus should be on what has come of the briefings. The presentation should focus on where the Group has gone because this will help the Group move forward towards the following workshops.

5. Adjournment. There being no further business, Chair Nelson adjourned the meeting at 12:38 p.m.