



May 18, 2016

Zach Wasserman, Chair
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Staff Report on the Findings and Preliminary Recommendations from the Commissioner Workshop Series on Rising Sea Levels

Dear Chair Wasserman,

Defending the Bay Area's residents, environment and economy from sea level rise is among our region's most difficult challenges of the 21st century. The Bay Area Council has long believed that the magnitude of the sea level rise challenge requires regional strategy, and that BCDC, in partnership with regional business representatives, has a clear and legitimate leadership role in developing that strategy. On behalf of the Bay Area Council, I'd like to thank BCDC for hosting the recent series of stakeholder workshops on rising sea levels to help inform the creation of such a strategy.

As you know, the Bay Area Council has a long history of involvement on the issue of Bay development, restoration and sea level rise. In 2010, I testified before the House Transportation and Infrastructure Subcommittee on Water Resources and the Environment on behalf of increased federal investment in Bay commensurate to other estuaries in the United States. In April 2015, the Bay Area Council Economic Institute released *Surviving the Storm*, a report that estimated that the region would suffer more than \$10 billion in economic damages during an extreme 150-year storm event. Today, the Council's years-long effort to support the San Francisco Bay Restoration Authority with a \$12 parcel tax to fund Bay restoration, flood protection, pollution prevention, and improved public access, is weeks away from a public vote.

From our previous work, we believe a successful regional strategy should embrace the following principles:

1. Recognizes the Bay Area is a growing region with acute shortages of housing and transportation infrastructure, and that sea level rise cannot be solved by delaying needed and worthy investments in areas near the Bay shoreline.
2. Utilizes structural and non-structural flood protection strategies tailored to the region's variety of local environments.
3. Prioritizes limited funds to the defense of key economic assets such as transport, water, wastewater, employment centers and communications infrastructure.
4. Encourages responsible bay waterfront development in urban areas that could also enhance sea wall and other protective infrastructure.

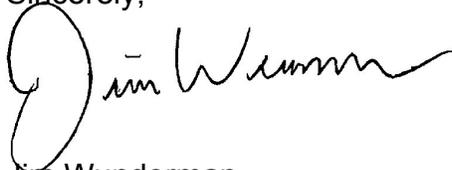
5. Rejects blanket calls to “retreat” from the Bay.

Upon reviewing the Findings and Preliminary Recommendations from the Commissioner Workshop Series on Rising Sea Levels, I have the following requests:

1. The Bay Area Council be named to participate on the regional working group/steering committee described in recommendation one, bullet two.
2. The Bay Area Council be invited to participate in regional financing work group described in recommendation one, bullet three.
3. More clarity on the intent of recommendation five, bullet two, “Change BCDC’s permit application to require information on the potential impacts of a project on its adjoining properties.”
4. More clarity on the intent of recommendation five, bullet four, “Discuss possible amendments to the McAteer-Petris Act and BCDC regulations regarding the definition and use of “fill”.

I want to thank BCDC for a promising start to this critical discussion. Thank you for your leadership, and for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wunderman". The signature is fluid and cursive, with a large initial "J" and "W".

Jim Wunderman
President & CEO
Bay Area Council



San Francisco International Airport

May 4, 2016

Mr. Larry Goldzband, Executive Director
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite #10600
San Francisco, CA 94102-7019

Subject: Comments on Permitting and Mitigation for Shoreline Protection Projects

Dear Mr. Goldzband:

San Francisco International Airport (SFO) staff has been actively participating in the Sea Level Rise workshops convened by the San Francisco Bay Conservation and Development Commission (BCDC) and we appreciate the thoughtful and open approach that your staff has taken for this complicated issue. Although the workshop approach has allowed BCDC to consider many stakeholder issues and concerns, there are a number of practical matters we would like to raise as we continue planning for our proposed Shoreline Protection Project and the environmental permit approvals that will be required.

Since the 1990s, it has been SFO's permitting experience that the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and BCDC have applied a compensatory wetland mitigation preference for on-site or off-site mitigation in the same watershed or project impact area for which mitigation is required. This has created a difficult situation for SFO because the Airport is located in the highly developed Central Bay region where creation and restoration opportunities are more limited than in the North and South Bay. In addition, the Federal Aviation Administration discourages development of wetlands within five miles of an airport because such developments may create wildlife habitats that pose a danger to air traffic safety.

At the State level, the State Water Resources Control Board has also been working on a draft Wetland and Riparian Area Protection Policy. However, this draft policy continues the Water Board's current preference for on-site mitigation over mitigation banking or in-lieu programs. BCDC's San Francisco Bay Plan states a preference for compensatory mitigation projects as close to the impact site as practicable, and that mitigation banking should only be considered when no mitigation is practicable on or proximate to the project site.

The U.S. Army Corps of Engineers adopted the 2008 Compensatory Mitigation Rule, which now states a preference for mitigation banks and in-lieu programs over on-site or off-site mitigation. However, to our knowledge, the San Francisco Bay Mitigation Bank in Redwood City is the only mitigation bank for tidal marsh restoration that serves the entire Bay Area.

In consideration of these conflicting regulatory preferences between agencies, SFO asks that BCDC consider the following when developing an action plan for a Regional Approach to Sea Level Rise:

1. BCDC should work with the U.S. Army Corps of Engineers and the Regional Water Quality Control Board and other agencies to simplify the compensatory mitigation process by advocating for the development of an in-lieu compensatory mitigation program to create another funding source for wetland creation and restoration. This new funding source could be used in the North and South Bays where there are existing opportunities but limited funding for 100,000 acres of wetland restoration. This proposed in-lieu program could also support the legislative mandate for the San Francisco Bay Restoration Authority and possibly a future regional authority.

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2. SFO asks BCDC to recognize that shoreline assets which are important to the regional economy, such as airports and seaports, may need to armor their shoreline as opposed to implementing wetland based solutions, and that on-site or off-site compensatory mitigation may not be possible.
3. BCDC should consider that shoreline protection projects that are designed solely to address flooding and sea level rise not be regulated and permitted in the same way as individual development projects. Consideration should be given to the inter-connectivity between adjacent property shoreline protection systems across the thousands of miles of San Francisco Bay shoreline. The beneficial impacts and protections provided by these shoreline projects serve to protect all from sea level rise impacts.

SFO appreciates BCDC's leadership role in convening this series of workshops for stakeholders and interested parties to work together on this important issue.

Very truly yours,



John L. Martin
Airport Director

cc: R. Zachary Wasserman, BCDC Chair
Ivar Satero, Airport COO
Julian Potter, Airport Chief Administration and Policy

1. BCCDC should work with the U.S. Environmental Protection Agency and the Regional Water Quality Control Board and other agencies to study the current regulatory situation process by advocating for the development of an in-lieu compliance mitigation program to create another funding source for wetland creation and restoration. This new funding source could be used in the North and South Bays where there are existing opportunities but limited funding for 100,000 acres of wetland restoration. This proposal to fund program could also support the legislative mandate for the San Francisco Bay Restoration Authority and possibly a state regional authority.





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May 18, 2016

Mr. Zack Wasserman, Chair
and Commissioners
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Via Email

Re: Staff Report on the Findings and Preliminary Recommendations from the Workshop Series on Rising Sea Levels

Dear Commissioners:

The Building Industry Association of the Bay Area commends BCDC for its efforts in hosting the recent series of stakeholder workshops on rising sea levels. BIA appreciates the responsible leadership BCDC has provided on this challenging issue and looks forward to working constructively with BCDC and other stakeholders going forward. Broadly speaking, BIA would like to associate itself with the principles and requests set forth in the comment letter from the Bay Area Council. Among these, we particularly look forward in the near term to more discussion regarding the recommendation relating to information requirements under the existing BCDC permit regime. As builders and developers of housing, we also wish to emphasize the point that notwithstanding historically high demand, and contrary to commonly held perception, our region continues to restrict the construction of new housing to extremely low levels compared to other regions across the country as the accompanying graphic shows.

We thank BCDC for a promising start to this important regional discussion.

Yours very truly,

A handwritten signature in black ink, appearing to read "Paul Campos".

Paul Campos
Sr. Vice President, Governmental Affairs

Attachment

cc: Larry Goldzband, BCDC Executive Director