

2018

ANNUAL REPORT

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

< Corte Madera marsh. Cover photograph courtesy Pete Kauhanen, GIS Manager,  
San Francisco Estuary Institute.



*To protect and enhance  
the San Francisco Bay,  
and encourage the responsible  
and productive use of its resources  
for this and future generations.*

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102

tel 415 352 3600 • fax 415 352 3606



# 2018

## ANNUAL REPORT

4	INTRODUCTION
	PLANNING 8
10	REGULATORY
	LITIGATION 12
15	COORDINATION, COLLABORATION, AND PARTNERSHIPS
	TABLE: SUMMARY OF PERMITS, FILL, AND MITIGATION 18
19	SUMMARY OF ENFORCEMENT ACTIVITIES
	TABLE: WORK PROGRAM AND BUDGET
	GRAPHIC: 2018 IN REVIEW 20
21	GRAPHIC: HISTORICAL TRENDS

# INTRODUCTION

FEBRUARY 7, 2019

THE HONORABLE GAVIN NEWSOM, GOVERNOR

HONORABLE MEMBERS OF THE CALIFORNIA LEGISLATURE:

## SUBJECT: 2018 ANNUAL REPORT

*I am pleased to provide you with the 2018 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities BCDC carried out during 2018 to implement the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act, and the California Oil Spill Prevention and Response Act.*

### COMMISSION MEMBERS

Zack Wasserman, *Chair*  
 Anne Halsted, *Vice Chair*  
 Jim Chappell, *Alternate*  
 Mark Addiego  
 Malia Cohen, *Alternate*  
 Edi Ahn  
 Joshua Arce, *Alternate*  
 Teresa Alvarado  
 Rick Bottoms  
 Katerina Galacatos, *Alternate*  
 Thomas Butt  
 Jesse Arreguin, *Alternate*  
 Wilma Chan  
 Marie Gilmore, *Alternate*  
 Dave Cortese  
 Greg Scharff, *Alternate*  
 Karen Finn  
 John Gioia  
 Federal D. Glover, *Alternate*  
 Susan Gorin  
 David Rabbitt, *Alternate*  
 Vacant  
 Jenn Eckerle, *Alternate*  
 Jennifer Lucchesi

Sheri L. Pemberton, *Alternate*  
 Jim McGrath  
 Newsha Ajami, *Alternate*  
 Aaron Peskin  
 Jane Kim, *Alternate*  
 Dave Pine  
 Carole Groom, *Alternate*  
 Sanjay M. Ranchod  
 Barry Nelson, *Alternate*  
 R. Sean Randolph  
 Kathrin Sears  
 Damon Connolly, *Alternate*  
 Patricia Showalter  
 John Vasquez, *Alternate*  
 Tony Tavares  
 Dan McElhinney, *Alternate*  
 Jill Techel  
 Daniel Hillmer, *Alternate*  
 Brad Wagenknecht  
 Belia Ramos, *Alternate*  
 Sam Ziegler  
 Jason Brush, *Alternate*  
 Alexander Zwissler  
 Jeff Holzman, *Alternate*

### LEGISLATIVE APPOINTEES

Senator Nancy Skinner  
 Sherry McCoy, *Alternate*  
 Assemblymember Philip Ting  
 Michael Sweet, *Alternate*

### EXECUTIVE DIRECTOR

Lawrence J. Goldzband

### DEPUTY ATTORNEY GENERAL

Shari Posner

BCDC was created in 1965, as a result of the Save the Bay movement in the Bay Area to address uncontrolled Bay filling, in order to prevent the Bay from shrinking due to local policies that encouraged unneeded landfill projects. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 53 years, almost 35 square miles of Bay habitat have been restored, public trails and parks have opened along 165 miles of the Bay shoreline, and over \$4.6 billion in productive waterfront development has been built. Last year alone the Commission approved \$495 million in new development, which will make over six-and-a-half more miles of the Bay's waterfront available for public use and enjoyment. The projects approved in 2018 will enlarge the Bay by 2,672 acres.

Global warming is presenting a new challenge for the Commission. Accelerated rising sea level that will make the Bay larger threaten waterfront communities, infrastructure, businesses, and natural resources. In 2018, BCDC continued to work on the issue using a variety of approaches, including addressing the vulnerability of proposed projects to rising sea level and requiring adaptation measures as part of the Commission's permit process, leading projects and providing assistance through the Commission's Adapting to Rising Tides Program, evaluating the effects of BCDC's laws and policies on rising sea level adaptation through the Fill For Habitat and the Environmental Justice and Social Equity Bay Plan amendments and participating in the region's Resilient by Design effort. Additionally, BCDC continues its partnership with the Metropolitan Transportation Commission (MTC) and the Bay Area Regional Collaborative (BARC) on the ART Bay Area project to assess the vulnerability of the region's transportation, housing, community and natural areas and develop adaptation strategies to respond to those vulnerabilities.

✓ Commission workshop on environmental justice. Photograph courtesy of BCDC.



*In addition to the attached statistical summary of our work in 2018, the following are some of BCDC's most important accomplishments last year.*

2017-2020  
STRATEGIC PLAN  
IMPLEMENTATION



LEADERSHIP  
IN  
CLIMATE  
RESILIENCE

**STRATEGIC PLAN:** The Commission staff completed an implementation plan for the Commission's 2017-2020 Strategic Plan. The Strategic Plan focuses on three specific issues: (1) continually improving our strategic daily work; (2) leading the Bay Area's efforts to increase its resilience in the face of rising sea level; and (3) improving our organizational health and expanding

our staff to meet and conquer these challenges head on. The implementation plan addresses each of these important issues and the staff has prioritized and is working toward implementation.

▲ Photograph courtesy of BCDC



*As part of the rising sea level initiative, in 2018 BCDC accomplished the following:*

- BCDC and the San Francisco Estuary Institute (SFEI) launched the “Bay Shoreline Flood Explorer” ([explorer.adaptingtorisingtides.org](http://explorer.adaptingtorisingtides.org)) website in August 2018. This new website helps Bay Area local governments and communities access interactive maps of current and future local flood risks due to rising sea level and storms. The Bay Shoreline Flood Explorer is designed to be used by anyone, from novices to experts. BCDC conducted an extensive stakeholder review of the website and held numerous trainings for regional partners and community groups. The Bay Shoreline Flood Explorer is now being used by many, such as local jurisdictions and transit agencies, to raise awareness of flood risks and help plan for resilience.
- Commissioner working groups and staff continued their work on the Fill for Habitat and the Environmental and Social Justice Bay Plan amendments to address rising sea level in BCDC’s permitting process: The Environmental Justice Commissioner Working Group met on a monthly basis to discuss how social equity and environmental justice could be incorporated into BCDC’s permitting process. The Bay Fill Policies Working Group continued to consider how to update fill policies for Bay habitat projects.
- The Adapting to Rising Tides Program led and supported rising sea level vulnerability and adaptation projects around the region. In 2018, the ART Bay Area project made significant strides in preparing regional vulnerability assessments. The ART Eastern Contra Costa project, in partnership with Contra Costa County and the Delta Stewardship Council, extended ART to the Delta influenced portion of the eastern Bay Area.

✓ Public access construction at Bay bridge Pier E2. Photograph courtesy of BCDC.



## PLANNING

*BCDC addressed the following significant planning issues in 2018:*

- The Commission's Bay Fill Policies Working Group continued to advise staff on the Bay Plan amendment to address Bay Fill for habitat improvement projects in light of rising sea level.
- The Commission's newly formed Environmental Justice Commissioner Working Group met on a monthly basis to discuss how to incorporate environmental justice and social equity into BCDC's permitting process.
- Initiated project scoping, compilation of needed documents, background studies, and previous maritime reports in preparation for updating the *San Francisco Bay Seaport Plan*.
- In order to align with its Waterfront Land Use Plan, the Port of San Francisco requested an amendment to the Commission's *San Francisco Waterfront Special Area Plan*.



▲ Photograph courtesy of BCDC.

### THE ADAPTING TO RISING TIDES (ART) PROGRAM

During 2018, the ART Program achieved the following milestones:

- The ART Program team significantly advanced regional adaptation planning through ART Bay Area, a two-year regional project to prepare vulnerability assessments and adaptation strategies for four regional systems: transportation infrastructure and systems; Priority Development Areas, where the majority of the region's job and housing growth will be focused; Priority Conservation Areas, which preserve the region's natural, agricultural, and range lands; and communities that exhibit social and economic characteristics that make them less able to prepare for, respond to, and recover from flood events or permanent inundation. Six well-attended Regional Working Group (RWG) meetings have provided guidance, and the RWG will continue to advise the project through completion in Summer 2019.
- The ART Program continued to lead the Eastern Contra Costa County ART Project, in partnership with Contra Costa County and the Delta Stewardship Council and a broad working group of stakeholders and partners. This project, the first ART project in the Delta influenced portion of the eastern Bay Area, will produce a vulnerability assessment and adaptation plan to help the communities in the area become more resilient to current and future flooding. This project will also produce detailed mapping of flood risk from rising sea level in eastern Contra Costa and Solano Counties to inform the planning process.

- Served on the Project Management Team with MTC and BARC on two SB1 Planning grants from Caltrans to identify adaptation strategies and community outreach for three sites: Eastbound touchdown of the Dumbarton Bridge, Colma Creek, and SR37.
- Provided technical assistance and planning support to: (1) Caltrans in preparing a vulnerability assessment and presenting to its Planning Staff and their Sea Level Rise Team; (2) the County of San Mateo throughout its county-wide transportation assessment; (3) Marin County's outer coast and Bayside vulnerability assessments; (4) Resilient by Design by partnering on advancing projects from design to implementation; (5) BART to support their SB1 Planning grant; (6) multiple committees exploring the future of State Route 37.
- Continued to update and maintain the ART Portfolio website and adapted the site to represent a regional perspective. The website provides tools, approaches, findings, project updates and other information to help inform and assist others with rising sea level adaptation locally and nationally.
- Provided material, assistance, and support through the ART Program Help Desk to a variety of city and county jurisdictions and other agencies and organizations, including SamTrans, the City of San Leandro, Santa Clara Valley Transportation Authority, and BART, and other jurisdictions within the region and beyond.



▼ Adapting to Rising Tides Bay Shoreline Flood Explorer. Photograph courtesy of BCDC.



## Adapting to Rising Tides

# Bay Shoreline Flood Explorer

The Adapting to Rising Tides program has developed this website to help Bay Area communities prepare for the impacts of current and future flooding due to **sea level rise and storm surges** by learning about causes of flooding, exploring maps of flood risk along our shoreline, and downloading the data for further analysis. These maps increase understanding of what could be at risk without future planning and adaptation, helping Bay communities, governments, and businesses to drive action.

LEARN

EXPLORE

DOWNLOAD

ABOUT



The ART Bay Shoreline Flood Explorer is part of the San Francisco Bay Conservation and Development Commission's Adapting to Rising Tides Program. *Disclaimer*

## REGULATORY

*The Commission issued or denied the following significant regulatory permits, permit amendments, and federal consistency determinations in 2018:*

- To the United States Army Corps of Engineers and United States Fish and Wildlife Service to construct the first of five levee reaches, making up the South Bay Shoreline Restoration Project in the County of Santa Clara (BCDC Consistency Determination No. C2015.006.00).
- To Oyster Point Development LLC and the City of South San Francisco to redevelop an office park, construct two hotels, and construct associated public access improvements at Oyster Point in the City of South San Francisco, San Mateo County (BCDC Permit No. 2017.007.00).
- To the United States Army Corps of Engineers to dredge federal navigation channels throughout the San Francisco Bay (BCDC Consistency Determination No. C2018.003.00).
- To the U.S. Fish and Wildlife Service to construct Phase 2 of the South Bay Salt Pond Restoration Project at the Don Edwards San Francisco Bay National Wildlife



Refuge in Santa Clara and Alameda Counties (BCDC Consistency Determination No. C2017.008.00).

- To Seawall Lot 337 Associates, LLC and the Port of San Francisco to construct a mixed-use residential and commercial development and associated public access improvements, including redevelopment of China Basin Park in the City and County of San Francisco (BCDC Permit No. 2017.004.00).
- To the California Department of Transportation to retain three marine foundations remaining from the former east span of the San Francisco-Oakland Bay Bridge, construct public access areas on top of the retained piers, and remove the rest of the piers via controlled blasting in the City and County of San Francisco and the City of Oakland, Alameda County (BCDC Permit No. 2001.008.044).
- To the East Bay Regional Park District to restore tidal wetlands and construct public access, including trails and a kayak launch at the Bay Point Regional Shoreline in the community of Bay Point, Contra Costa County (BCDC Permit No. 2017.006.00).
- To the Golden Gate Bridge Highway and Transportation District to construct a physical suicide deterrent system on the Golden Gate Bridge in the City and County of San Francisco and the County of Marin (BCDC Permit No. M1996.019.03).

### *The Commission resolved the following significant Permit Enforcement matters in 2018:*

- On May 17, 2018, the Commission voted to grant Scott's Jack London Seafood, Inc.'s a 15% waiver of the total penalty amount under Cease and Desist and Civil Penalty Order No. CDO 2017.01 because, while Scott's had not fully complied in a timely manner with the requirement of the Order to provide monthly statements of pavilion usage to BCDC, the violations were not material. On February 5, 2018, Scott's made its second penalty installment of \$131,786.67. Its third and final payment is due in May, 2019. Scott's is currently in compliance with the requirements of its permit and Cease and Desist Order No. CDO 2017.01.
- On April 19, 2018, the Commission voted to adopt Cease and Desist and Civil Penalty Order No. CDO 2018.02 which ordered the North Coast Railroad Authority (NCRA) to take remedial actions for the unauthorized placement of fill in the Commission's Bay jurisdiction. On December 12, 2018, NCRA submitted a comprehensive plan for review and approval by the Executive Director for the remediation of the damage at the site, which staff subsequently approved on December 20, 2018. The remediation work should commence by the summer of 2019 and NCRA will continue to monitor the site for two years to ensure the remediation project is successful.
- On December 6, 2018, the Commission voted to adopt a proposed settlement agreement between the Commission and Westpoint Harbor, LLC. The agreement resolves a nine-year old

dispute regarding alleged violations of BCDC Permit No. 2002.002.07 and the McAteer-Petris Act at Westpoint Marina, San Mateo County. As part of the agreement, payments totaling \$150,000 will be made by Westpoint Harbor to the Marine Science Institute and to the State Coastal Conservancy.

- On August 15, 2018, Staff closed Enforcement Case No. ER2018.003 (County of San Mateo, Parks and Recreation Department). This case involved unauthorized dredging at Coyote Point Marina and unauthorized disposal of the sediment at the in-Bay disposal site near Alcatraz Island. It was resolved through the payment of \$30,000 in fines.
- In October of 2018, Staff significantly improved its data management by developing an online, geo-referenced database, which consolidated multiple datasets and processes into a single streamlined system. This ArcGIS-based system increases staff efficiency and data accuracy, while also simplifying the reporting process and allowing for more nuanced caseload tracking.
- On December 13, 2018, staff presented to the Enforcement Committee on enforcement data management and amnesty options to reduce the total number of open cases, as part of its work to implement the Commission's Strategic Plan Goal to "develop and/or revise a systematic and data-driven enforcement strategy and policy to set enforcement priorities, improve compliance, improve regulatory and legal effectiveness, and use resources more efficiently."
- On June 17, 2018, staff issued a Violation Report and Complaint for the Imposition of Administrative Civil Penalties to Salt River Construction Company (SRCC ) for two violations: (A) In Richardson's Bay, Marin County, consisting of dragging a dredging barge across the mud at low tide by use of an excavator bucket mounted on the dredge barge (Enforcement Case No. ER2017.035); and (B) In Belmont Slough, San Mateo County, consisting of unpermitted dredging of materials by dredging in excess of the volume and depth allowances near the Foster City Intake Channel, unauthorized fill in waters of San Francisco Bay by mooring SRCC dredging barges for at least 55 days, and potentially submitting false information regarding SRCC's volume and disposal operations.
- See the Litigation Section (p. 13) for an explanation of the ongoing litigation involving Point Buckler Club, LLC and John D. Sweeney.

## LITIGATION

- *San Francisco Bay Conservation and Development Commission v. United States Army Corps of Engineers, N.D. Cal. Case No. 3:16-cv-05420-RS.* On September 22, 2016, the California Attorney General filed a lawsuit on behalf of the Commission in federal district court to compel the United States Army Corps of Engineers (Corps) to implement its 2017 San Francisco Bay operation and maintenance dredging program in accordance with the Coastal Zone Management Act (CZMA). The CZMA requires the Corps' dredging program

to be consistent to the maximum extent practicable with the state's federally-approved coastal zone management program, of which the Commission's *San Francisco Bay Plan* is a part. The lawsuit concerns the Corps' refusal to comply with four conditions of the Commission's concurrence with the Corps' consistency determination for its dredging program that promote the beneficial reuse of dredged material to create and bolster marshes and wetlands, and that protect the Bay's fish and wildlife resources. On April 25, 2017, the Court granted the motion of San Francisco Baykeeper to intervene in the case as a plaintiff. On December 15, 2017, following extensive discussions with counsel for the Commission and Baykeeper as to the contents of the administrative record, the Corps lodged the record with the court. The Commission and Baykeeper subsequently filed a motion to complete and/or supplement the record with additional documents and, on September 26, 2018, after the court ruled on that motion, the Corps filed a supplemental administrative record. The case remains pending and the parties anticipate that it will be resolved in 2019 by way of cross-motions for summary judgment.

- *John Sweeney, et al., v. San Francisco Bay Conservation and Development Commission, et. al., Solano County Superior Court Case No. FCS048136.* On November 18, 2016, the Commission issued Cease and Desist and Civil Penalty Order No. CDO 2016.02 (Order) to John Sweeney and Point Buckler Club, LLC (collectively Sweeney) for violations of the McAteer-Petris Act and the Suisun Marsh Preservation Act at Point Buckler Island in Solano County. Sweeney constructed a 4,700-foot new levee around the Island and engaged in other unpermitted fill and development activities, all of which significantly damaged and altered the hydrology, vegetation, and ecology of the island's 39-acres of tidal marsh. On December 16, 2016, Sweeney filed a Petition of Writ of Mandate and Complaint for Injunctive and Declaratory Relief against the Commission challenging its Order and against the San Francisco Bay Regional Water Quality Control Board challenging a Cleanup and Abatement Order the Regional Board had issued to Sweeney. On December 28, 2017, the Solano County Superior Court issued a writ of administrative mandamus directing the Commission to set aside its Order and remanded the proceedings to the Commission for further action. The Commission appealed to the California Court of Appeal and filed its opening brief on September 12, 2018. Sweeney filed its brief on December 12, 2018. After briefing is completed, with the filing of the Commission's reply brief late-February 2019, the Court of Appeal is expected to schedule oral argument before issuing its decision on the appeal.
- *Mark Sanders and Westpoint Harbor, LLC v. San Francisco Bay Conservation and Development Commission, San Francisco Superior Court Case No. CPF-17-515880.* On July 24, 2017, the Executive Director initiated enforcement proceedings against Mark Sanders and Westpoint Harbor, LLC (collectively Sanders) by issuing a Violation Report and Complaint for the Imposition of Administrative Civil Penalties (Violation Report). The Violation Report alleged a number of violations of the BCDC permit for Westpoint Harbor, which is located in Redwood City. On August 7, 2017, Sanders' counsel submitted a California Public Records Act (PRA) request for all records that relate in any way to the alleged violations or the facts asserted in the Violation Report. BCDC staff promptly provided access to Sanders' counsel to inspect and copy the Westpoint Harbor permit and enforcement files. BCDC staff and Sanders' counsel subsequently exchanged correspondence regarding the

PRA request and BCDC produced additional responsive documents. On October 2, 2017, Sanders filed an action against BCDC in San Francisco Superior Court alleging that BCDC had failed to comply fully with its obligations under the PRA. On November 8, 2017, BCDC filed its Answer, denying liability. Sanders did not actively pursue the PRA action in 2018. On December 6, 2018, the Commission approved and entered into a settlement agreement with Sanders that resolved the enforcement proceedings against Sanders and addressed a number of other matters. Pursuant to that settlement agreement, on December 7, 2018, Sanders filed with the court a request to dismiss the PRA action with prejudice.

- *The Alliance 1849, LLC v. San Francisco Bay Conservation and Development Commission, San Francisco Superior Court Case No. CPF-18-516291.* On July 25, 2018, counsel for The Alliance 1849, LLC (Alliance) submitted a PRA request for six categories of writings including records: (1) showing the amount of money collected or received by BCDC on a yearly basis from any source (other than the State of California) from 2000 to the present; (2) concerning the expenditure of funds collected by BCDC from enforcement actions from 2000 to the present; (3) showing each enforcement action pursued by BCDC from 2000 to the present; (4) concerning BCDC's enforcement prioritization policies and practices; (5) reflecting legal fees and/or costs incurred by the California Attorney General's Office relating to legal proceedings involving BCDC enforcement actions from 2000 to the present; and (6) showing how much each employee and commissioner has received or receives as total compensation (including retirement benefits) from BCDC on a yearly basis from 2000 to the present. On August 6, 2018, BCDC provided a written response to the PRA request and a large number of responsive documents; BCDC's response noted that additional responsive documents are publicly available on the Commission's website. On August 13, 2018, counsel for the Alliance filed an action against BCDC in San Francisco Superior Court alleging that BCDC had failed to comply fully with its obligations under the PRA. (The Alliance is represented by the same law firm that represents Mark Sanders and Westpoint Harbor, LLC in the PRA action discussed above.) On September 19, 2018, BCDC filed its Answer, denying liability. The case remains pending.



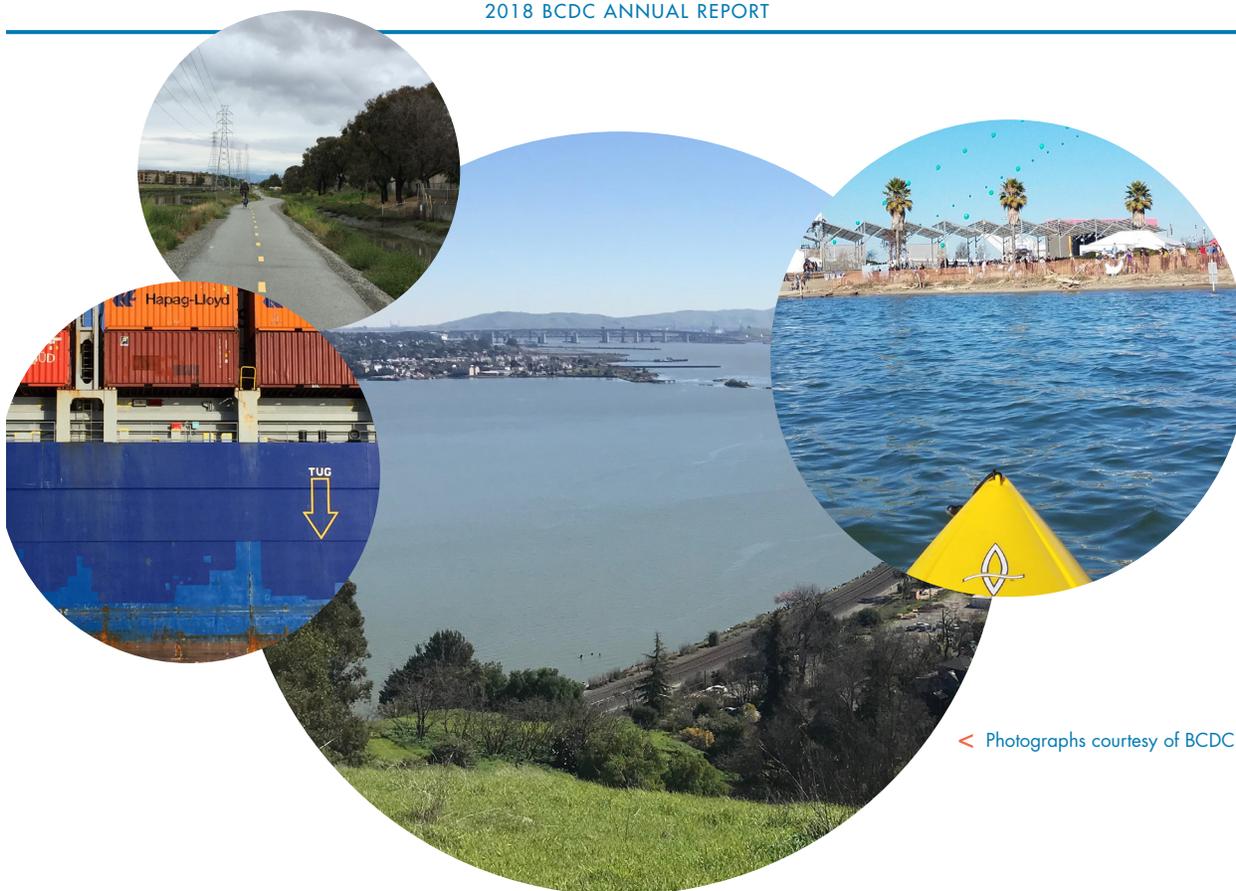
## COORDINATION, COLLABORATION, AND PARTNERSHIPS

*BCDC continued and expanded its various relationships with other organizations to leverage its capabilities and integrate its programs with complementary efforts. Among the most important of these efforts were the following:*

- Incorporated the work of our scientific partner organizations in the region, including the San Francisco Estuary Institute, by using their Operational Landscape Units concept as an organizing method for the ART Bay Area project vulnerability assessments and adaptation strategies.
- Continued our partnership with the Bay Area Regional Collaborative (BARC) (Metropolitan Transportation Commission (MTC), Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District, and BCDC). Work included the ART Bay Area project (described below), as well as participation in BARC's Caltrans-funded project, "Accelerating Implementation of Local and Regional Resilience to Climate Change," designed to provide targeted support to four sites in the region primed to implement adaptation measures.
- Worked with MTC/ABAG staff to address resilience planning in their Horizon project to develop the 2021 update to Plan Bay Area, by providing technical expertise on rising sea level. BCDC Staff developed materials for, and participated in, a half-day day charrette with MTC, SPUR and SFEI to identify the most at-risk portions of shoreline using ART Bay Area and Operational Landscape Units to evaluate policy solutions for Horizon's Futures.
- Helped organize and jointly facilitated a public outreach workshop with staff of the State Lands Commission and Coastal Commission regarding our respective environmental justice policies.
- Reviewed the draft version of the State Adaptation Clearinghouse developed by the California Office of Planning and Research's Integrated Climate Adaptation and Resiliency Program (ICARP) to ensure that tools and projects conducted by BCDC and partners were included and described accurately.
- Participated in the State Coastal Leadership Group, led by the California Natural Resources Agency, to coordinate coastal agency activities, including implementation of the ocean and coastal resources component of the California Climate Adaptation Strategy Safeguarding California and development of an update to the State Sea Level Rise Guidance.
- Continued its active partnership with the U.S. Geological Survey, which uses funding provided by the U.S. Army Corps of Engineers to study sediment transport in the Bay, which is a key process affecting how wetlands adapt to a rising Bay.
- Collaborated with the Bay Planning Coalition, Save the Bay, The Bay Institute, and the State Coastal Conservancy to develop a proposal for a pilot project to increase beneficial reuse of

dredged sediment while setting aside Corps restrictions on such projects, to be included in the federal Water Infrastructure Improvement for the Nation Act.

- Partnered with and provided technical support to Baykeeper and Coastkeeper in seeking state legislation and funding to support beneficial reuse of dredged sediment in wetland restoration projects.
- Continued to work closely with MTC, Caltrans, BART, VTA, MUNI and other transportation agencies in the region to assess vulnerabilities, identify adaptation strategies, increase communication to others such as the county congestion management agencies on the risks from rising sea level.
- Continued our strong partnership with the National Oceanic and Atmospheric Administration on the Adapting to Rising Tides Program and Environmental Justice Bay Plan Amendment;
- Continued to partner in Resilient by Design, a regional design challenge to address rising sea level and explore how to accelerate regional projects towards implementation.
- Continued serving as a core member of the NOAA San Francisco Bay and Outer Coast Sentinel Site Cooperative.
- Served on the Management Board of, and provided briefings to, the San Francisco Bay Joint Venture and the Implementation Committee of the San Francisco Estuary Partnership.
- Participated in the Government Alliance on Race and Equity (GARE) Northern California jurisdictional cohort to advance racial equity, along with staff from the partner BARC agencies. BCDC staff who participated in the 2017 GARE cohort began a second phase of training in the 2018 Implementation cohort, and additional BCDC staff joined a new GARE training cohort.



< Photographs courtesy of BCDC.

*BCDC welcomes the challenges and opportunities ahead, and BCDC's Commissioners and staff are proud to fulfill BCDC's mission statement, embedded in its Strategic Plan, that reflects its two primary responsibilities: to protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.*

Sincerely,

R. ZACHARY WASSERMAN, Chair

## SUMMARY OF PERMITS, FILL, AND MITIGATION

Year	Major Permits <sup>1</sup>		Minor Permits <sup>2</sup>		Permit amendments	Net change in Bay surface <sup>3</sup> (acres)	Total Project cost <sup>4</sup> (x \$100,000)	Public access (acres)	Public access (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		-72			
1971	26	4	61	0		-25.1			
1972	12	3	80	0		-7			
1973	17	1	71	0		-4.4			
1974	20	0	107	1		274			
1975	10	0	87	0		5	100		
1976	14	0	110	0		-2.2	43		
1977	20	0	116	0	104	16.8	100	21.4	
1978	23	1	104	4	90	-1.9	152	46.1	9.6
1979	34	0	120	2	103	3.4	93	25.1	
1980	19	1	105	1	101	30	470	134	
1981	23	0	134	0	125	44.5	130	42.2	
1982	26	0	104	0	115	262	379	27	5
1983	23	0	105	0	131	5	395	26	6
1984	15	3	135	0	130	12	97	12	7
1985	15	1	98	0	104	60	200	35	6.3
1986	20	0	108	0	112	11	639	35	5.1
1987	16	2	108	0	104	-2	68	6	1.1
1988	17	1	119	2	137	152.2	125	3.3	0.9
1989	17	0	114	1	144	1.7	107	12.7	1.5
1990	17	1	112	0	151	-1.5	127	12.7	2
1991	8	1	61	0	163	-0.7	400	4	5.6
1992	10	1	84	0	140	-1.6	97	10.4	1.9
1993	8	1	89	0	122	50.1	26	0.2	0.3
1994	11	1	114	0	96	1.6	383	264	6.9
1995	15	0	72	0	107	549.6	136	2.8	0.9
1996	7	0	93	0	97	-1	60	3.1	2.2
1997	14	2	109	0	94	75	733	14.1	2.9
1998	15	1	109	0	130	38.5	518	16.4	3.3
1999	10	0	103	0	124	258	828	67.2	8.4
2000	21	0	85	0	141	112.4	4,640	40	1.9
2001	14	0	67	0	67	5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	1.1	118	2.5	0.5
2003	11	0	59	0	79	118.7	471	28.8	3.8
2004	7	0	74	0	95	493	408	11.2	1.5
2005	8	0	57	0	93	3,807	382	3.4	4.5
2006	1	0	35	0	114	70	169	0.7	0.4
2007	8	0	52	0	71	2,560	459	3.5	9.7
2008	5	0	39	0	73	961	552	12.7	6.5
2009	4	0	40	0	74	174	500	1.5	0.2
2010	8	0	65	0	95	1,562	251	11.5	4.8
2011	3	0	20	0	121	74	1,700	77.8	3.9
2012	5	0	38	0	74	201	362	6.7	3
2013	6	0	38	0	105	968	112	0.3	6
2014	6	0	48	0	135	13.8	935	11	4.5
2015	7	0	42	0	121	-0.1	407	4	7.4
2016	7	1	19	0	80	419.7	18,811	63.58	5.3
2017	5	1	24	0	89	603.1	1,839	14	2.15
2018	5	0	24	0	88	2,672	4,945	13.1	6.67
<b>TOTAL</b>	<b>630</b>	<b>29</b>	<b>3,899</b>	<b>11</b>	<b>4,542</b>	<b>22,191</b>	<b>46,307</b>	<b>1,162</b>	<b>165</b>

<sup>1</sup> Projects authorized by major permits, material amendments, and major federal consistency concurrences. Some authorized projects have not been built, and some projects may have been changed pursuant to subsequent permit amendments.

<sup>2</sup> Smaller projects including consistency concurrences approved administratively or under regionwide permits.

<sup>3</sup> The area of the Bay created or restored, including salt ponds converted to tidal action, less the area of the Bay authorized to be filled pursuant to major permits and major consistency determinations through 1987. Thereafter, significant administrative permits and amendments are included in the data.

<sup>4</sup> Major and minor permits only.

## SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload at the beginning of 2018:

219

New cases opened in 2018:

60

Cases closed in 2018:

18

Caseload at the end of 2018:

261

Cease and Desist Orders issued:

1

Settlement Agreements issued:

1

Enforcement related permits or amendments issued:

4

Civil penalties received:

\$191,786

## WORK PROGRAM AND BUDGET

WORK PROGRAM	FY 17-18		FY 18-19	
	PY	x \$1,000	PY	x \$1,000
<b>Core Program</b>				
Permits/Consistency Determinations	15.0	1,687	13.2	773
Enforcement	3.0	420	4.0	192
General Planning	14.0	601	14.0	198
Executive, Legal and Legislative Support	6.0	966	7.0	576
Administration, Commission and Clerical Support	11.0	1,417	9.0	692
<b>TOTAL, CORE PROGRAM</b>	<b>49.0</b>	<b>\$5,091</b>	<b>47.2</b>	<b>\$2,431</b>
<b>SPECIAL FUND PROJECTS</b>				
Enforcement (Bay Fill Clean-up Fund)	0.9	139	0.5	90
NOAA 306 Permits (Federal Grant)	0.7	126	0.9	143
NOAA 306 Enforcement (Federal Grant)	0.2	44	0.3	49
NOAA 309-Art Portfolio (FY16) (Federal Grant)	0.4	67	0.0	2
NOAA 309 Environmental Justice	0.5	71	0.3	42
CIAP Climate Change (Federal Grant)	n/a	n/a	n/a	n/a
CIAP Regional Sediment Management (Federal Grant)	n/a	n/a	n/a	n/a
Regional Collaboration (Metropolitan Transportation Commission)	1.6	222	0.5	75
Metropolitan Transportation Commission/Caltrans	2.0	278	1.0	137
Oil Spill Prevention and Response Planning (Department of Fish and	0.9	139	0.4	72
Delta Stewardship Council	0.2	32	0.2	33
Transportation Project Review (Caltrans)	0.3	60	0.2	31
Association of Bay Area Governments (ABAG)	n/a	n/a	n/a	n/a
ABAG Adaptation Workshop	n/a	n/a	n/a	n/a
Greenhouse Gas Reduction Fund	0.5	79	1.7	282
Port of San Francisco	n/a	n/a	0.2	31
<b>TOTAL, SPECIAL FUND PROJECTS</b>	<b>8.2</b>	<b>1,257</b>	<b>6.1</b>	<b>987</b>
<b>TOTAL PROGRAM</b>	<b>57.2</b>	<b>\$6,348</b>	<b>53.3</b>	<b>\$3,418</b>

## BUDGET

### Expenditures

Personal Services	5,050	5,333
Operating Expenses and Equipment	3,527	6,476
<b>TOTAL EXPENDITURES</b>	<b>\$8,577</b>	<b>\$11,809</b>

### Revenue

General Fund	5,903	9,152
Bay Fill Clean-up and Abatement Fund	100	322
Federal Trust Fund	0	0
California Climate Resilience Account	0	0
Greenhouse Gas Reduction Fund	79	671
Reimbursements from Federal Grants	316	352
Reimbursements from Other Sources	806	777
<b>TOTAL REVENUES</b>	<b>\$7,204</b>	<b>\$11,274</b>



[www.bcdc.ca.gov](http://www.bcdc.ca.gov)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102

tel 415 352 3600 • fax 415 352 3606