

# San Francisco Bay Conservation and Development Commission

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**TO:** Commissioners and Alternates

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; [larry.goldzband@bcdc.ca.gov](mailto:larry.goldzband@bcdc.ca.gov))

**SUBJECT: BCDC 2017-2020 Strategic Plan Update “Where Are We Now?”**  
(For Commission information only)

## Staff Recommendation

At its September 20, 2018 meeting, the Commission prioritized the sixteen objectives of its recently-adopted *2017 Strategic Plan Update*. That proposal listed nine of the sixteen objectives as “Priority A” objectives. The purpose of this memo is to provide the Commission with an update of the progress in moving those objectives forward and to request that the Commission extend the *2017 Strategic Plan Update* into 2021.

## Background

During the Commission’s September 20, 2018 meeting, the Executive Director explained that BCDC did not have the resources necessary to accomplish all of the Update’s objectives. Commissioner Ranchod asked whether all of the “A” priorities were resource-constrained. The Executive Director informed the Commission that the State “does not fully fund BCDC’s planning staff, [which is] heavily funded by year-long contracts and grants which we have to fight for a lot... we [need to] shift that kind of funding so that the planning staff is fully funded by the state. That really would help along with additional resources.” In essence, by approving the 2017 Strategic Plan Update and prioritizing its objectives, the Commission was “placing a bet” that the incoming Governor would provide BCDC with the resources to accomplish its prioritized objectives.

Chair Wasserman and the Executive Director personally advocated with the California Natural Resources Agency and the Department of Finance (DoF) in Sacramento to fully fund BCDC’s Planning Unit in the State’s FY2019-2020 budget. That advocacy was successful; BCDC was authorized to receive almost \$1.85M in Greenhouse Gas Reduction Funds (i.e., GGRF or “cap and trade” funding), which has stabilized its Planning Unit after over ten years of relying upon short-term grants and contracts, funded four new positions in the regulatory and planning units, and has also provided additional funding for the Commission overall.



Additionally, on November 8, 2019, DoF agreed to provide BCDC with a “Mission-Based Review” of its enforcement program as a response to the May 2019 audit by the California State Auditor. This process will analyze BCDC’s critical budget and policy issues to determine the appropriate and necessary resources to implement a successful enforcement program. According to the Department, “[t]he process is designed to be collaborative, but it is also designed to challenge the status quo.” Possible outcomes of the process include Budget Change Proposals, statutory and/or regulatory changes, funding shifts, and reprioritizing and/or eliminating tasks. In addition, it is likely that the process will include some examination of how BCDC’s enforcement process is integrated into the regulatory process as a whole.

### Update on Strategic Plan Progress

Each of the nine Priority A objectives is listed below and is followed by a list of key actions taken to implement the objective. The objective is preceded by the number of the goal and the objective within that goal.

#### **1.3—Update Key Statutes, Policies, Regulations, And Practices**

##### **Proposed Actions**

- Analyze and determine whether and how to amend our statutes, policies, regulations, and guidelines with special attention to those identified in this Strategic Plan.
- Prioritize amendments to statutes, policies, and regulations based on recommendations from Commissioners, staff, collaborating agencies, and the public.
  - **Planning Unit**
    - **Accomplished:** developed (with Regulatory Unit) successful Fill for Habitat and Environmental Justice Bay Plan amendments (first Bay Plan amendments approved in eight years)
    - **In Progress:** developing updates to Seaport Plan and San Francisco Waterfront Special Area Plan; began Suisun Marsh Protection Plan update (2019-2022) leading to new Suisun Marsh Protection Plan; future amendments may address mitigation, beneficial reuse of sediment, fill for shoreline protection, adaptive management for habitat and public access, live-aboards, and ferries
  - **Regulatory Unit**
    - **Accomplished:** created the Bay Restoration Regulatory Implementation Team (BRRIT) to expedite multi-benefit habitat restoration projects; fully staffed the enforcement program with first Enforcement Policy Manager
    - **In Progress:** providing guidance to the Enforcement Committee leading to comprehensive changes to BCDC’s enforcement policies and practices; has proposed a holistic review of its permitting function to better collaborate with applicants and shorten review periods

- **Legal Unit**
  - **Accomplished:** fully staffed the enforcement program with first enforcement attorney; implemented regulatory process to double permit fees based upon a request from the California Department of Finance
  - **In Progress:** developing list of necessary regulatory changes
- Update and disseminate the Design Review Board and Engineering Criteria Review Board pamphlets.
  - **In progress**
- Evaluate the efficacy of current public engagement and improve outreach to as broad an audience as possible.
  - **Accomplished:** EJ Bay Plan amendment process identified need for broader BCDC outreach initiatives; hired first environmental justice outreach staff member to broaden and better engage BCDC’s stakeholders; previous coalition created to influence Army Corps’ reauthorizing legislation holds potential for other purposes
  - **In Progress:** EJ outreach implementation plan to be reviewed by Commission in Spring 2020; formulating expanded outreach role for new staff member to become part-time public information officer; informal advisory group created by Chair Wasserman beginning process of conceiving regional adaptation strategy

#### ***1.4—Implement A Systematic Approach to Enforcement***

##### **Proposed Actions**

- Adopt an enforcement strategy that enables staff to identify, prioritize, and resolve existing violations that have harmed Bay resources and public access.
  - **In Progress:** Enforcement Committee discussing and determining how best to reform existing enforcement program
- Develop and implement a permit compliance system.
- Consistently engage the Enforcement Committee to determine how to continually improve the enforcement program.
  - **Accomplished:** Enforcement Committee started semi-monthly meetings in response to the enforcement audit to determine how best to reform existing enforcement program
  - **In Progress:** Enforcement Committee is making recommendations regarding regulatory, process, and technology improvements, is beginning to alternate between policy discussions and case resolutions, and plans to present recommendations to full Commission in 2020 Q1 and Q2

## ***2.1—Use the Adapting to Rising Tides (ART) Bay Area Program to Lead the Creation of A Regional Adaptation Plan (RAP) For Rising Sea Level***

### **Proposed Actions**

- Complete the ART county-level vulnerability analyses and proposed strategies to create a more resilient Bay shoreline.
  - **Accomplished:** the “Bay Shoreline Flood Explorer” launched in 2018 to much applause as leading rising sea level viewer in northern California
  - **In Progress:** the “ART Bay Area” project – the Bay Area’s first shoreline-wide vulnerability study and analysis concentrating on transportation, underserved communities, and Priority Development and Priority Conservation Areas – will be released in early 2020
- Form a RAP working group with public, private, and NGO organizations to understand regional vulnerabilities and recommend adaptation approaches.
  - **Accomplished:** diverse group formed in Spring 2019 is discussing how best to develop a “strategy” as opposed to a “plan”
- Host and facilitate public workshops to develop and refine the RAP recommendations.
  - **In Progress:** first workshop provisionally slated for February 2020
- Use the RAP to identify resilience and adaptation actions that can be implemented locally and regionally.
  - **In Progress:** ART Bay Area will provide a set of regional adaptation ideas to be vetted by the Commission and the above-mentioned external strategy group

## ***2.2—Support Local Efforts to Become More Resilient to Rising Sea Level, and Pay Special Attention to Environmental Justice Issues Across the Region***

### **Proposed Actions**

- Use ART Bay Area to collaborate with a broad spectrum of stakeholders, including those from environmental justice communities, when developing the RAP.
  - **Accomplished:** ART held 12 location-specific working group/community meetings to jumpstart and deepen stakeholder input and actively involved EJ partners, especially in deep dives in East Palo Alto and Contra Costa County
  - **In Progress:** ART Regional Working Group continues to include wide variety of stakeholders and EJ partners

- Continue to actively engage environmental justice communities in BCDC’s planning and permitting processes.
  - **Accomplished:** development of the Environmental Justice and Social Equity Bay Plan Amendments included public workshops and direct engagement with an Environmental Justice Review Team, a group of representatives of Bay Area environmental justice organizations and supported by the Resources Legacy Fund
  - **In Progress:** the upcoming EJ implementation plan will be developed with EJ partners around the Bay and will help develop both external and internal staff best practices
- Inventory local climate resilience and assessment projects to help connect projects between and among sponsoring organizations.
  - **In Progress:** ART team tracking projects and making information available through online Flood Explorer; inventory process just beginning with BCDC, Water Board, Coastal Conservancy, SFBRA, BARC
- Continue training staff about environmental justice issues.
  - **Accomplished:** a significant percentage of BCDC staff have completed GARE diversity training
  - **In Progress:** BCDC continues to participate in GARE, staff participate in internal monthly “Racial Equity Media Discussions”; new Race and Equity staff working group proposed

### ***2.3—Better Coordinate and Integrate Rising Sea Level Planning and Regulatory Functions***

#### **Proposed Actions**

- Develop intra- and inter-agency processes through which planning and regulatory information, requirements, and decisions are shared.
  - **Accomplished:** staff has proposed an idea to “lift regulatory fog”; August 2019 move to Bay Area Metro Center has increased inter-agency coordination and collaboration
- Assign planning staff to each major project and regulatory staff to each plan, policy, or regulation amendment.
  - **In Progress:** responses to the enforcement audit include active participation by all parts of Regulatory staff; development of Bay Fill and EJ Bay Plan amendments included unprecedented amount of collaboration between Planning and Regulatory staffs; future amendments will include such collaboration, as well

- Make rising sea level data products and practices available to all staff and the public.
  - **Accomplished:** Bay Shoreline Flood Explorer launched in 2018
  - **In Progress:** outreach and trainings continue with staff and collaborators
- Work with the California Natural Resources Agency to integrate the Update on Sea-Level Rise Science into planning and permitting decisions specific to the Bay.
  - **Accomplished:** BCDC process of implementing state RSL guidance was basis of new state guidance implementation procedures; Commission Chair provided positive input to Ocean Protection Council Strategic Plan
  - **In Progress:** BCDC to develop climate change policy guidance in 2020 based on state guidance

#### ***2.4—Increase Beneficial Reuse of Sediment as a Resource to Help the Bay Area Prepare for Rising Sea Level***

##### **Proposed Actions**

- Analyze and determine whether and how a policy amendment, regulation change, or other approach may increase beneficial reuse of sediment in the region.
  - **In Progress:** upcoming Bay Plan amendment on beneficial reuse (2020-2021)
- Encourage regulatory agencies, including the Army Corps of Engineers, and others in the dredging and restoration communities to maximize the beneficial reuse of sediment in restoration and shoreline adaptation projects.
  - **Accomplished:** BCDC-led effort to amend 2016 USACE authorization legislation included amendment to authorize ten “pilot projects” enabling more beneficial reuse nationally, including in San Francisco Bay; BCDC participated in oral arguments in federal District Court in BCDC v. USACE
  - **In Progress:** USACE now implementing the pilot project – though less than effectively; BCDC staff continues advocacy within LTMS, despite recent court decision
- Continue to develop and then implement a Bay-wide Regional Sediment Management Plan.
  - **In Progress:** will continue to seek funding

## ***2.7—Develop an Education Campaign to Increase the Public's Understanding of Rising Sea Level Vulnerabilities and Resilience Strategies***

### **Proposed Actions**

- Develop and implement, with partners, a public information program to inform the public about rising sea level vulnerabilities and resilience strategies.
  - **In Progress:** Chair has convened informal education consulting group; staff analyzing options to enable funding for a Bay Area-wide program; new EJ Outreach staff member will have limited PIO duties
- Use a broad set of communication tools, such as social media, to inform difficult-to-reach communities.
  - **In Progress:** staff initiating development of social media team
- Disseminate the best available rising sea level data and information through a web-based portal for the public.
  - **In Progress:** Position for ART Help Desk staff member approved
  - **Accomplished:** Bay Shoreline Flood Explorer

## **3.1—Expand Staff in Light of BCDC’s Increasing Responsibilities**

### **Proposed Actions**

- Advocate before the California Natural Resources Agency and the California Department of Finance for sufficient permanent staff to accomplish statutory requirements and this plan’s goals and objectives.
  - **Regulatory**
    - **Accomplished:** secured new Enforcement Manager (pre-audit and Bay-Fill-funded), second Bay Design Analyst, and BRRIT staff positions
    - **In Progress:** still need 2-3 more regulatory analysts, still need to convince DoF to increase number of permanent staff (from existing “limited term”) positions
  - **Planning**
    - **Accomplished:** secured substantial baseline funding for existing staff, ART outreach position, and EJ outreach position
    - **In Progress:** still need to convince DoF to increase number of permanent staff (from existing “limited term”) positions

- **Legal**
  - **Accomplished:** secured Enforcement Attorney (pre-audit and Bay Fill-funded)
- **Administrative:** Totally unsuccessful
- **Total staff now at 54 positions; 46 in 2017**
- Use traditional and non-traditional channels to attract a more diverse applicant pool than historically seeks employment at BCDC.
  - **Accomplished:** developed “How to Get a Job at BCDC” instructional video and guidance document
  - **In Progress:** increased number of schools contacted, using social media to advertise, additional effort need to do more and better
- Continue to pursue grants and contracts from public agencies and private foundations for special projects.
  - **In Progress:** Continuing, but at a far reduced pace and for different needs
- Move to the Regional Headquarters Building at 375 Beale to efficiently accommodate existing and additional staff and facilitate interagency collaboration.
  - **Accomplished:** Finally.

### ***3.2—Retain Top Talent to Increase Organizational Strength***

#### **Proposed Actions**

- Determine what job classifications best reflect necessary positions, reclassify positions as appropriate, and support opportunities for career advancement.
  - **Accomplished:** Planning and Regulatory restructuring includes new-to-BCDC classifications; Enforcement Manager position announcement added additional classification to attract larger number of applicants; BCDC partnering with Coastal Commission on “HR Consolidation” program
  - **In Progress:** career advancement continues to be very difficult given small agency size with limited top-tier turnover
- Advocate with other state agencies, unions, and policy partners that CalHR modernize statutes, regulations, and policies to enable incoming personnel to negotiate higher salaries and receive location-based compensation packages that could include transit subsidies and housing assistance.
  - **In Progress:** 3-Chairs (Coastal Commission, Coastal Conservancy, BCDC) letter in support of “geopay”; E.D. expressed concerns directly at September 2019 CNRA Directors meeting (along with Coastal Commission and Coastal Conservancy)

- Shift limited-term staff to permanent status, and fill vacancies with permanent positions.
  - **In Progress:** continuing to advocate for shifting with Department of Finance; vacancies being filled with permanent positions as they become open
- Ensure all employees receive a timely annual performance review, including the opportunity to assess their supervisors’ management.
  - **Accomplished:** performance reviews screened by HR starting in 2019; ED review in 2020 includes both Commissioners and staff input
  - **In Progress:** plan to initiate management reviews in 2020
- Initiate an employee wellness program to promote a healthier work environment.
  - **Accomplished:** flex-time being used more than previously; annual all-staff retreats
  - **In Progress:** more robust employee information being disseminated through health insurance fairs; new employee CalPERS workshop; Employee Assistance Plan workshop for all employees; improved on-boarding and training programs
- Conduct periodic employee surveys.
  - **Accomplished:** first conducted in summer 2019 in preparation for staff retreat; retreat organized to respond to survey issues; bimonthly “Ask Me Anything” of senior staff; first “Workforce Plan” completed by HR
  - **In Progress:** follow-up to staff retreat looking for “low hanging fruit”; senior staff starting work on succession planning

### Non-Priority Objectives

It should also be noted that progress is also being made on the seven non-priority objectives. For example:

- The Commission approved the “Fill for Habitat” Bay Plan amendment that encourages and implements habitat restoration in the Bay (Goal 1, Objective 1; Goal 2, Objectives 5 and 6);
- The Commission approved development projects in the shoreline band that include maximum feasible public access, and its recently approved “Environmental Justice and Social Equity” Bay Plan amendment strengthens that commitment (Goal 1, Objective 2);
- Staff has started discussions with Salesforce (based upon advice from the California Natural Resources Agency) and is reviewing technologies used by other Resources Agency departments to determine how BCDC can best increase its technological capacity (Goal 3, Objective 3);

- Staff has held a series of retreats focusing on improving workflow and communication within the agency, and has contracted with Coro Northern California to assist with that objective (Goal 3, Objective 4); and,
- Staff’s HR capacity has increased during the past year (Goal 3, Objective 5).