2019

ANNUAL REPORT

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

< King tide flooding in Mill Valley, Marin County. Cover photograph courtesy Schuyler Olsson, BCDC Staff.

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
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2019

ANNUAL REPORT

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INTRODUCTION

MARCH 19, 2020

THE HONORABLE GAVIN NEWSOM, GOVERNOR

HONORABLE MEMBERS OF THE CALIFORNIA LEGISLATURE:

SUBJECT: 2019 ANNUAL REPORT

I am pleased to provide you with the 2019 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities BCDC carried out during 2019 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.

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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 uncontrolled diking, draining, and filling that had reduced the Bay's size by one-third has ended. Over the past 54 years, almost 42 square miles of Bay habitat have been restored, public trails and parks have opened along 173 miles of the Bay shoreline, and over $5.8 billion in productive waterfront development has been built. Last year alone, the Commission approved $1.2 billion in new development, which will make 8.4 more miles of the Bay's waterfront available for public use and enjoyment. The projects approved in 2019 will enlarge the Bay by 2.6 acres.

Global warming is presenting a new challenge for the Commission. Accelerated sea level rise that will make the Bay larger threatens people, waterfront communities, infrastructure, businesses, and natural resources. This has led the Commission to pivot and recognize that we actually need to fill the Bay in some places in order to protect it.

In 2019, BCDC approved two historic amendments to the *San Francisco Bay Plan*, our governing document. The Bay Fill for Habitat amendment formalized our recognition of the need to place fill in the Bay to protect natural habitat from rising sea levels and the Environmental Justice and Social Equity amendment formalized our commitment to including and helping to protect the most vulnerable members of our society.

We also continued to work on a variety of approaches to the threat of rising sea levels, including addressing the vulnerability of proposed projects 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 sea level rise adaptation, and participating in the region's Resilient by Design effort. BCDC also continued its partnership with the Metropolitan Transportation Commission and the Bay Area Regional Collaborative on the ART Bay Area project to assess the vulnerability of the region's transportation, housing, communities, and natural areas to develop adaptation strategies responding to those vulnerabilities.

BCDC also continued its critical work to speed approval of permits for projects that will protect the Bay with the Bay Restoration Regulatory Integration Team (BRRIT), with representatives from the US Army Corps of Engineers (USACE), National Marine Fisheries Service (NOAA Fisheries), US Fish and Wildlife Service (USFWS), San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (DFW), and the US Environmental Protection Agency (EPA).

In addition to the attached statistical summary of our work in 2019, 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 made substantial progress in 2019 on the nine "Priority A" objectives in 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 capacity to meet and conquer these challenges. The staff's implementation plan addresses each of these important issues and the progress made in 2019 includes completing the Fill for Habitat and Environmental Justice Bay Plan amendments; forming a Regional Adaptation Strategy working group; creating with agency partners the Bay Restoration Regulatory Implementation Team (BRRIT); moving to the Bay Area Metro Center and increasing inter-agency coordination and

Λ Photograph courtesy of BCDC.

collaboration; receiving base-line funding for the BCDC planning program; hiring a new Enforcement Manager and a BRRIT staff position; and continuing staff work on racial equity and involvement in the Government Alliance for Race and Equity program.

As part of the rising sea level initiative, in 2019 BCDC accomplished the following:

- BCDC took major steps in amending its policies to address rising sea level by approving two amendments to the Bay Plan in October 2019. The first Bay Plan amendment added and revised findings and policies to address the critical issue of allowing increasing volumes of Bay fill for habitat restoration projects in light of rising sea level. The second amendment adds findings and policies related to environmental justice and social equity into the Bay Plan.
- The Adapting to Rising Tides (ART) Program continued to lead and support sea level rise vulnerability and adaptation planning projects around the region. In 2019, the ART Bay Area project—the first regional sea level rise vulnerability study, conducted in partnership with MTC/ABAG and the Bay Area Regional Collaborative—was completed and submitted to Caltrans, its primary funder. Public release will occur in early 2020. The ART East Contra Costa project, in partnership with Contra Costa County and the Delta Stewardship Council, which extended the ART approach to the Delta-influenced portion of the eastern Bay Area, was also completed.
- BCDC, partnering with leadership from a broad range of stakeholder and public agencies, began to scope and organize a Regional Shoreline Adaptation Strategy to collectively advance shoreline adaptation implementation. This initiative will build on the strong foundation of information and research found in ART Bay Area and other building blocks.

V South Bay aeriel imagery. Photograph courtesy of Baykeeper.

- BCDC saw continued increase in usage of the Bay Shoreline Flood Explorer (explorer.adaptingtorisingtides.org), an interactive online map of current and future local flood risks due to rising sea level and storms, with over 15,000 sessions from over 10,000 users from cities around the Bay. Additionally, BCDC developed sea level rise and storm mapping for East Contra Costa County and added it to the Flood Explorer, as part of the East Contra Costa ART project.

PLANNING

BCDC addressed the following significant planning issues in 2019:

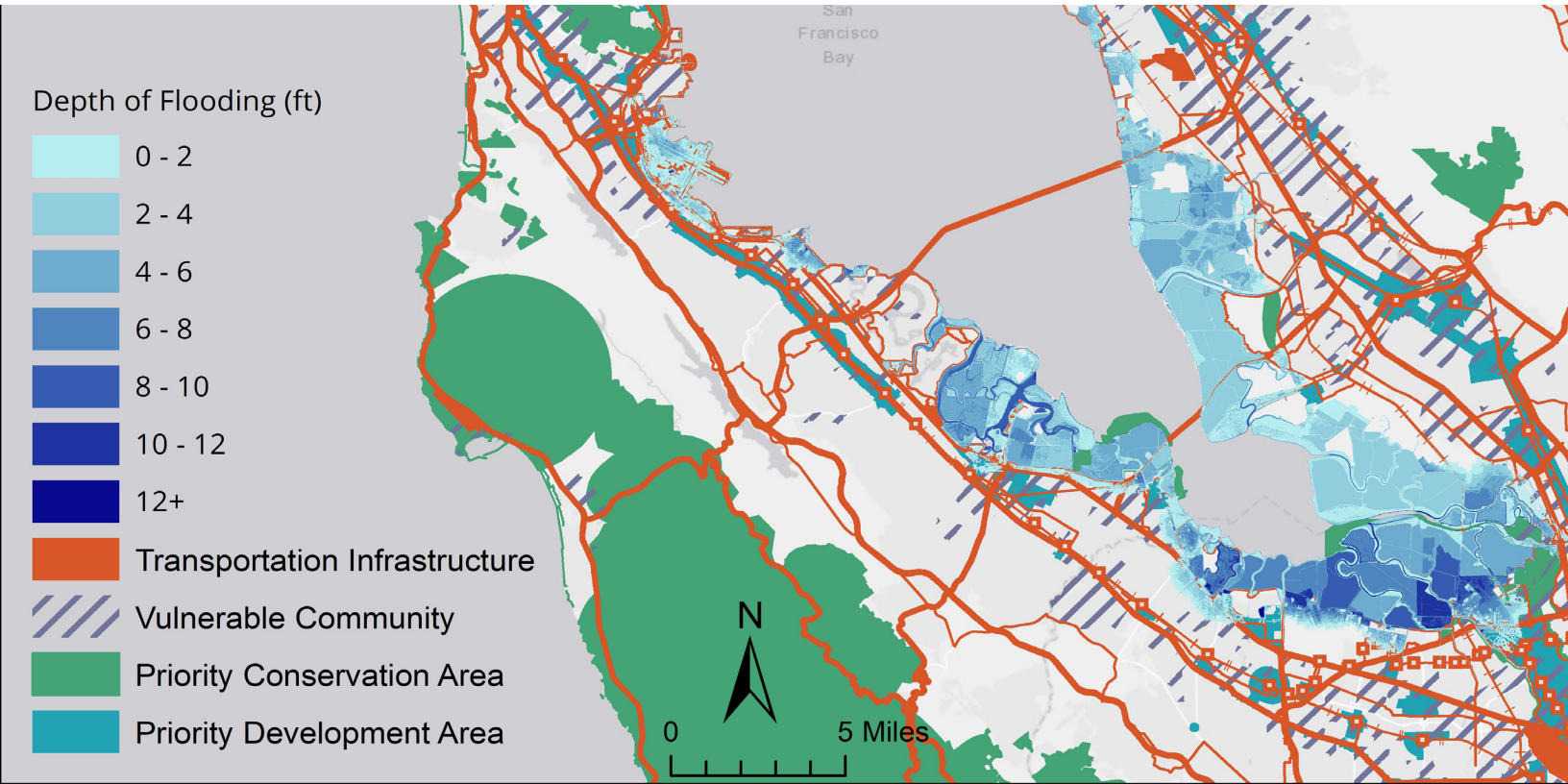
- The Commission's Bay Fill Policies Commissioner Working Group met on a monthly basis and continued to advise staff on the Bay Plan amendment to address Bay fill for habitat projects in light of rising sea level. In October, the Commission unanimously adopted BPA 1-17 and BPA 3-19 to revise and add findings and policies to the Bay Plan to address this critical issue.
- The Commission's Environmental Justice Commissioner Working Group met on a monthly basis and continued to advise staff on how to incorporate environmental justice and social equity into BCDC's permitting process. In October, the Commission unanimously adopted BPA 2-17 to revise and add findings and policies to the Bay Plan.
- The Commission approved a comprehensive amendment to the Solano County Local Protection Program, and the Commission directed staff to evaluate a comprehensive update to the Suisun Marsh Protection Plan, which has not been significantly revised since it was adopted in 1976.
- The Commission initiated an amendment at the request of the Port of San Francisco to comprehensively update the *San Francisco Waterfront Special Area Plan* in order to align the SAP with the Port of San Francisco's Waterfront Plan.
- Commission staff began to prepare a Bay Plan Climate Change Policy Guidance document to assist applicants and staff in preparing and reviewing BCDC permit applications.
- The Commission initiated two Bay Plan amendments related to the *San Francisco Bay Area Seaport Plan*. BPA 1-19 is a general update of the Seaport Plan to refresh cargo demand and capacity projections and related policies, review policies for currency, and ensure consistency with new Bay Plan policies related to climate change and environmental justice. BPA 2-19 addresses a request by the Oakland Athletics to remove the port priority use designation from Howard Terminal at the Port of Oakland. As part of this effort, BCDC staff has been working with a consultant team to provide an updated forecast of cargo flows and terminal capacity in the Bay Area. The Seaport Planning Advisory Committee met twice in 2019 to review the draft forecast and expects to accept a final version in early 2020.

THE ADAPTING TO RISING TIDES (ART) PROGRAM

During 2019, 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; 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 and working lands; and shoreline 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. Twelve well-attended Regional Working Group (RWG) meetings have provided guidance, and the RWG will hold a concluding meeting in early 2020.
- The ART Program completed 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 produced a vulnerability assessment and adaptation plan to help the communities in the area become more resilient to current and future flooding. This project also produced detailed mapping of flood risk from sea level rise in Eastern Contra Costa and Solano Counties to inform the planning process.

V Adapting to Rising Tides Bay Area analysis excerpt. Map courtesy of BCDC.



- Served on the Project Management Team with MTC and BARC on two Caltrans funded SB1 Planning grants to identify adaptation strategies and community outreach for three sites: the Eastbound touchdown of the Dumbarton Bridge, Colma Creek, and State Route 37.
- Provided technical assistance and planning support to many climate resiliency efforts around the region, including, but not limited to: (1) the County of San Mateo's Climate Ready San Mateo initiative; (2) BART's forthcoming Sea Level Rise and Flood Resiliency Study; (3) multiple committees exploring the future of State Route 37; (4) Delta Stewardship Council's Climate Change Vulnerability Assessment and Adaptation Strategy; (5) the City of Alameda's Climate Action and Resiliency Plan; (6) Hayward Shoreline Master Plan; (7) the San Francisco Bay Regional Coastal Hazards Adaptation Resiliency Group (CHARG) Steering Committee; (8) the Bay Area Climate Adaptation Network (BayCAN); (9) the City of San Francisco's Sea Level Rise Vulnerability & Consequences Assessment; and (10) the Port of San Francisco's Resiliency Program, including the US Army Corp of Engineers' Flood Resilience Study.
- Continued to update and maintain the ART Portfolio website. The website provides tools, approaches, findings, project updates, and other information to help inform and assist others with sea level rise 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, the City of Belvedere, Santa Clara Valley Transportation Authority, and BART, and other jurisdictions within the region and beyond.

REGULATORY

The Commission issued the following significant regulatory permits, permit amendments, and federal consistency determinations in 2019:

- To Catellus Alameda Development, LLC and the Successor Agency to the Community Improvement Commission of the City of Alameda to develop a mixed-use neighborhood and waterfront park on a 22.8-acre site at the Alameda Landing waterfront, across the Alameda-Oakland Estuary from Jack London Square, at the terminuses of Fifth and Bette Streets in the City of Alameda, Alameda County. The project consists of residential, commercial and retail development, and a public waterfront park and greenway connecting the park to surface streets (BCDC Permit No. 2018.004.00).
- To the City of San Francisco Fire Department, San Francisco Public Works, and Port of San Francisco to construct a new fireboat station in the Bay at Piers 22½ and 24, adjacent to the historic Fire Station No. 35, on the northeast San Francisco waterfront (BCDC Permit No. 2018.002.00).
- To Pacific Gas and Electric Company (PG&E), the Port of San Francisco, and the California Barrel Company, LLC for remediation activities at the Potrero Power Plant and Pier 70, including excavation of hazardous material, capping remaining sediments in intertidal and subtidal areas, installing temporary pier and road facilities to transfer the excavated material, and installing riprap (BCDC Permit No. M2017.005.03).
- To the East Bay Regional Park District to conduct beach and sand dune nourishment, derelict barge removal and bank stabilization, debris removal, and trail and landscaping improvements at Encinal Beach, along the Alameda Point shoreline, in the City of Alameda, Alameda County (BCDC Permit No. M2007.002.01).
- To the US Army Corps of Engineers (USACE) and US Fish and Wildlife Service (USFWS) for the construction of the second and third of five levee reaches making up the South Bay Shoreline Project to restore up to eight salt ponds to tidal action, provide public access, and provide flood protection (BCDC Consistency Determination No. C2015.006.02).

< Commission workshop on Fill For Habitat Bay Plan ammendment. Photograph courtesy of BCDC.

- To the Port of San Francisco for a ferry terminal, water taxi landing, and associated public access at the terminus of 16th Street in the Mission Bay area of the City and County of San Francisco (BCDC Permit No. 2017.008.00).
- To the City of Foster City to rehabilitate approximately 5.9 miles of the 6.5-mile Foster City levee shoreline protection system and redevelopment of public access along the shoreline levee system, in the City of Foster City, San Mateo County (BCDC Permit No. 2018.005.00).
- To the Port of San Francisco and The Golden Gate National Park Conservancy, for a BCDC permit and a related material amendment to a federal consistency determination from the National Park Service, to redevelop and expand embarkation facilities for Alcatraz Island ferry service and other Bay cruises, located at Piers 31, 31½, and 33 in the City and County of San Francisco (BCDC Permit No. 2018.007.00; BCDC Consistency Determination No. C2017.005.01).
- To the FC Pier 70, LLC and the Port of San Francisco to develop a mixed-use neighborhood and waterfront park near Pier 70, in the City and County of San Francisco (BCDC Permit No. 2018.008.00).
- To BP3-SF5 3000-3500 Marina, LLC to develop a life science and office corporate campus at 3000-3500 Marina Boulevard, in the City of Brisbane, San Mateo County (BCDC Permit No. 2019.001.00).
- To the US Army Corps of Engineers (USACE) for a five year maintenance dredging program of six federal deep water channels and three shallow draft channels in San Francisco Bay and within the Commission's Coastal Zone Management Program (BCDC Consistency Determination No. 2019.004.00).

Commission achievements accomplished through Enforcement in 2019:

- During 2019, Commission staff closed forty-eight cases, opened seventy-one cases, issued six enforcement related permits and/or permit amendments, and issued one cease and desist order. The Commission collected $249,383 in civil penalties. The largest recovery was $78,000 from Wind River Systems, resolving a public access permit violation case. Also received was $75,000 from the Westpoint Harbor settlement and $72,483 for the Scott's Jack London Seafood, Inc.'s Cease and Desist Order, both of which are cases that were discussed in the Commission's 2018 Annual Report.
- Throughout the year the Enforcement Committee received a series of briefings by BCDC staff and subject matter experts to enhance their ability to effectively improve the enforcement program. Among the topics that were discussed during these briefings were case resolution, case prioritization, delineating violations, the permitting process, determining penalties, process improvements, and the progress that has been made on the resolution of the oldest enforcement cases.

- In January 2019, the Commission received $75,000 related to the Westpoint Harbor enforcement case settlement. 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 Harbor, 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.
- In January 2019, The Commission also received $4,900 in fines from Portobello Community Association in resolution of an enforcement case regarding public access along the Oakland waterfront.
- In January 2019, BCDC hired an Enforcement Attorney. The Enforcement Attorney will work closely with the enforcement staff and advise them on best practices for case resolution. In addition, the Enforcement Attorney will assist in the development of procedures and policies, and, as appropriate, regulatory changes, to guide the enforcement program. The Enforcement Attorney will also help staff in bringing cases to the Enforcement Committee and participate in negotiations with violators to resolve actions.
- In March 2019, the Commission received $9,000 in fines received from the Golden Gate Bridge Highway & Transportation District in resolution of an enforcement case for developments made without a permit for which a permit was issued after the fact.
- In May 2019, the California State Auditor released an Audit report focusing on BCDC's enforcement program. The report included 17 recommendations for the Commission. Starting in June, the Enforcement Committee began meeting twice a month, to assist staff in implementing the Audit recommendations, while also overseeing work to resolve incoming cases and reduce the number of backlogged cases. BCDC is on schedule to implement many of the Audit recommendations in 2020.
- In May 2019, the Commission received $72,483 for the Scott's Jack London Seafood, Inc.'s Cease and Desist Order. 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. The Commission also received $10,000 in fines from Hiemstra Properties, Inc. in resolution of an enforcement case for developments made without a permit.
- In June 2019, the Commission issued a Cease and Desist and Civil Penalty Order against Salt River Construction Corporation (SRCC). The Order directs SRCC to cease certain unauthorized dredging activities, including propelling barges and other vessels by way of pulling or pushing with an excavator bucket, as well as mooring of barges or other vessels

in unauthorized locations. The Commission assessed $28,500 in civil penalties for SRCC's violations.

- In September 2019, the Enforcement Committee received a briefing on the Management and Abatement of Abandoned and Derelict Vessels. The briefing included presentations from representatives of the US Coast Guard, the State Lands Commission and the Oakland Police Department Marine Unit. This briefing was used to inform the Committee's approach to ongoing case discussions involving derelict vessels within the Commission's jurisdiction. This briefing was part of a series of Committee Vessel Management and Abatement briefings that date back to March 2013.
- In October 2019, BCDC hired an Enforcement Program Manager. The Enforcement Program Manager will revitalize the enforcement program by developing and implementing new internal policies and procedures, developing strategies to enhance the prioritizing of staff tasks, and implementing strategic improvements to enhance the enforcement program. The Enforcement Program Manager coordinates with Commissioners to schedule Enforcement Committee meetings, and to assure case and program development discussions are timely.
- In November 2019, the California Department of Finance initiated an in-depth, mission-based workforce budget analysis of the enforcement unit. The review will examine and analyze long-standing and/or critical budget and policy issues. The primary goal of the mission-based review is to determine the appropriate level of expenditures and resources needed to implement the Commission's enforcement program. The review was undertaken in response to a State Auditor recommendation. The results of the review are expected to be made available by Spring 2020.
- In November 2019, the Commission received $78,000 in fines from Wind River Systems following their construction of modified public access improvements as required by Permit No. 1997.009.05, which resolved a three-year enforcement case.
- In December 2019, the Commission closed a permit related enforcement case against the Port of San Francisco and Hudson One Ferry Operating, L.P. after the permittees applied for and obtained authorization to continue the Farmer's Market through July 20, 2023, and to modify the public access requirements and submit annual reports.

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.* In September 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 (USACE) to implement its San Francisco Bay operation and maintenance dredging program in accordance with the Coastal Zone Management Act (CZMA). The CZMA requires the USACE dredging program to be consistent to the maximum extent practicable with the state's federally-approved coastal management program, of which the Commission's *San Francisco Bay Plan* is a part. The lawsuit concerns USACE's refusal to comply with four conditions of the Commission's concurrence with the USACE 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 resources and water quality. In April 2017, the Court granted the motion of San Francisco Baykeeper to intervene in the case as a plaintiff. On November 4, 2019, the Court ruled on the parties' cross-motions for summary judgment by issuing its order denying the Commission and Baykeeper's motion for summary judgment and granting the USACE's motion for summary judgment. As directed by the order, the parties filed their "Joint Statement Regarding Remaining Issues to Be Decided in the Case" on December 8, 2019. Among other issues the Commission and Baykeeper believe remain to be decided is the threshold question of whether the USACE's interpretation of its Federal Standard regulation violates provisions of the: (1) Clean Water Act that require the USACE to comply with State water quality standards; and (2) CZMA and its regulations that require the USACE to fully implement State CZMA conditions, including seeking additional funding if necessary, unless the USACE is legally prohibited from doing so. In contrast, the USACE's position is that no issues remain undecided. The Commission anticipates that the Court will respond to the parties' joint statement regarding remaining issues to be decided, possibly by issuing a supplemental order, prior to entry of final judgment in the district court.

- *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

< Grey whales. Photograph courtesy of BCDC.

Commission to set aside its Order and remanded the proceedings to the Commission for further action. The Commission appealed. The appellate briefing has been completed but the Court of Appeal has not yet scheduled oral argument.

- *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. On August 6, 2018, the Commission staff provided a written response to the PRA request. On August 13, 2018, counsel for the Alliance filed an action against the Commission in San Francisco Superior Court alleging that the Commission had failed to comply fully with its obligation under the PRA. On September 19, 2018, the Commission filed its Answer, denying liability. Following written discovery, the depositions of two Commission staff members, and settlement discussions, the parties stipulated to a proposed judgment which the Court entered on May 1, 2019. Under the judgment, BCDC agreed to conduct searches on its server, using agreed-upon search terms, for potentially responsive records, after which the parties agreed to meet and confer about a reasonable set of modified search terms and work together to reduce the volume of potentially responsive records. The judgment further provides that, as the prevailing party, the Alliance may file a motion(s) for reasonable attorneys' fees and costs within 150 days of services of notice of entry of judgment (which occurred on May 31, 2019). On October 17, 2019, the court entered an order, on the parties' stipulation, extending to December 27, 2019 the Alliance's deadline to file a motion for attorneys' fees and costs. On December 27, 2019, the Alliance filed a motion for attorneys' fees and costs allegedly incurred to date. The hearing on the Alliance's motion is noticed for hearing on February 19, 2020.

COORDINATION, COLLABORATION, AND PARTNERSHIPS

BCDC continues to participate in important partnerships that leverage regional capacity to address climate change:

- Continued our partnership as part of the Bay Area Regional Collaborative (BARC), including representatives from Metropolitan Transportation Agency, Association of Bay Area Governments, the Bay Area Air Quality Management District, and BCDC. Work included the ART Bay Area project, 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 that are primed to implement adaptation measures.

- Worked with MTC/ABAG staff to address resilience planning in the Horizon initiative and Plan Bay Area 2050 by providing technical expertise on rising sea level. BCDC staff provided flood exposure data, provided feedback on adaptation costing analysis, and evaluated policy solutions for Horizon's Futures.
- Facilitated the permitting of multi-benefit habitat restoration projects by joining the Bay Restoration Regulatory Integration Team (BRRIT), comprised of representatives from the federal and state regulatory and resource agencies charged with oversight of proposed projects that would impact natural resources in San Francisco Bay. The goal of the BRITT is to coordinate permitting for Measure AA-eligible, multi-benefit habitat projections, and it includes BCDC, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, US Fish and Wildlife Service, NOAA National Marine Fisheries Service, and the USACE.
- Worked with USGS, the County of San Mateo, Silvestrum, and others to organize a workshop on shallow groundwater flooding associated with sea level rise. This emerging topic was called out in the ART Bay Area project as a critical information gap. The workshop was aimed at educating local jurisdictions and assessing what additional information and research is needed.
- Participated in training and meetings hosted 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 are well coordinated with State efforts.
- 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.
- Continued to collaborate with scientists and academia on the Regional Monitoring Program's Sediment Working Group, focused on improving sediment science in the region.
- Continued its active partnership with the USGS, which uses funding provided by the US Army Corps of Engineers to study sediment transport in the Bay, which is a key process affecting how wetlands adapt to a rising Bay.
- Continued to collaborate with the State Coastal Conservancy (SCC) on its Resilient San Francisco Bay Project proposal to the USACE for beneficial reuse of dredge material, resulting in the proposal being chosen as one of only ten nationally, and worked with the SCC and the USACE to develop a project management plan for its implementation.
- Participated as a Steering Committee member in the development of the Bay Wetlands Regional Monitoring Program.

- Continued our long-term partnership with the US Environmental Protection Agency, USACE, and San Francisco Bay Regional Water Quality Control Board in the LTMS Program, which promotes beneficial reuse of dredged sediment, primarily for Bay wetland restoration projects to raise site elevations such that they are more adaptive to rising seas.
- Collaborated with the Farallones National Marine Sanctuary in development of its Regional Sediment Management Plan for Sonoma and Marin Coasts, and participated in its Collaboration Committee. This program overlaps with BCDC jurisdiction at the Golden Gate.
- 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/ABAG, Caltrans, BART, VTA, MUNI, and other transportation agencies in the region to assess vulnerabilities, identify adaptation strategies, and increase communication to others such as the county congestion management agencies on the risks from sea level rise.
- Continued our strong partnership with the National Oceanic and Atmospheric Administration, with a focus this year on the Environmental Justice Bay Plan Amendment, including BCDC staff presenting at NOAA's Office for Coastal Management national program managers meeting and at NOAA's staff retreat, on the recently adopted findings and policies.
- Continued serving as a core member of the NOAA San Francisco Bay and Outer Coast Sentinel Site Cooperative.
- Served on the Management Boards of, and provided briefings to, the San Francisco Bay Joint Venture, the San Francisco Bay National Estuarine Research Reserve, 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 2018 GARE cohort began a second phase of training in the 2019 Implementation cohort, and additional BCDC staff joined a new GARE training cohort.

< Photographs courtesy of BCDC.

BCDC welcomes the challenges and opportunities ahead, and 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. We will continue to provide leadership with our many regional partners as we determine how we can adapt to the reality of rising sea levels.

Sincerely,

R. ZACHARY WASSERMAN, Chair

SUMMARY OF PERMITS, FILL, AND MITIGATION

Year	Major Permits[1]		Minor Permits[2]		Permit amendments	Net change in Bay surface[3]	Total Project cost[4]	Public access	Public access
	granted	denied	granted	denied		(acres)	(x $100,000)	(acres)	(miles)
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
2019	11	0	23	0	72	2.6	11,772	43.8	8.4
TOTAL	641	28	3,922	11	4,614	22,194	46,307	1,206	173

1 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.

2 Smaller projects including consistency concurrences approved administratively or under regionwide permits.

3 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.

4 Major and minor permits only.

SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload at the beginning of 2019:
261

New cases opened in 2019:
71

Cases closed in 2019:
48

Caseload at the end of 2019:
284

Cease and Desist Orders issued:
1

Setttlement Agreements issued:
0

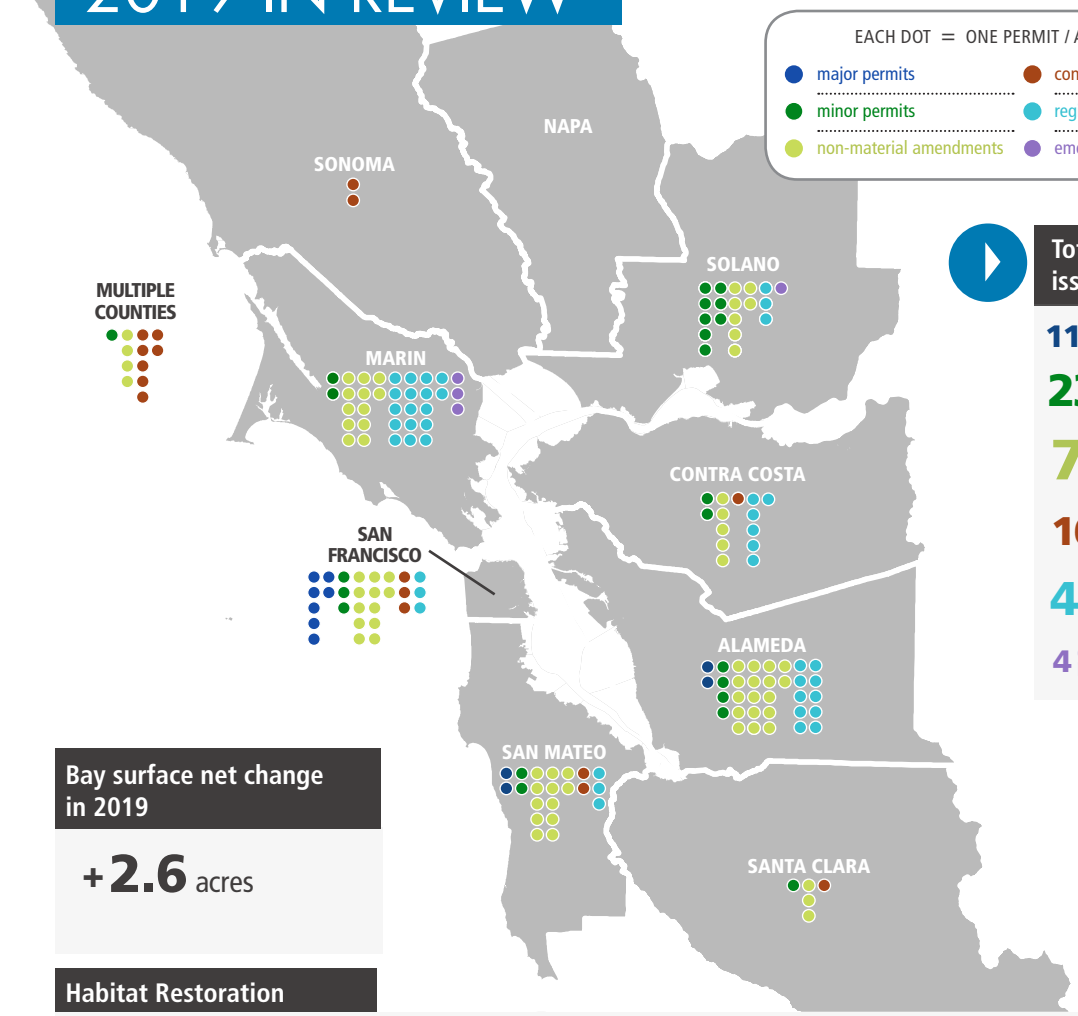
Enforcement related permits or amendments issued:
6

Civil penalties received:
$249,383

INCOME BUDGET AND EXPENDITURES SUMMARY

	FY 18-19	FY 19-20
TOTAL FUNDING INCOME	$8.64M	$13.31M
General Fund (General Tax Revenues)	6.24M	9.39M
General Fund total includes one-time relocation cost to Bay Area Metro Center		2.87M
Special Dedicated Funds	958K	2.63M
Bay Fill Clean-Up and Abatement Fund Authority		511K
Funds added from FY18-19 fines	248K	
Plan to expend up to $334K from fund in FY 19-20 for Enforcement Attorney and Enforcement Program Manager		
Greenhouse Gas Reduction Fund (Cap and Trade)	674K	2.12M
$1.84 baseline funding and $276K carryover from FY 18-19 allocation (used primarily for Planning		
Reimbursements	1.26M	1.29M
Grants: NOAA (Regulatory and Planning)	266	170
Contracts: MTC, High Speed Rail, OSPR, etc.		
TOTAL SPENDING	$9.15M	$12.64M
Total Salaries, Wages, and Benefits	6.09M	6.96M
40.1 baseline positions + 8 staff 'in blanket' (seeking to make permanent)		
Anticipated Expenses	807K	874K
Includes: Utilities, Subcontracts, and etc...		
OE&E	2.26M	4.43M
Rent	1.03M	1.23M
California Military Department IT Risk Assessment		38K

2019 IN REVIEW



Total permits issued by county

11 major permits

23 minor permits

72 non-material amendments

16 consistency determinations

42 regionwide permits

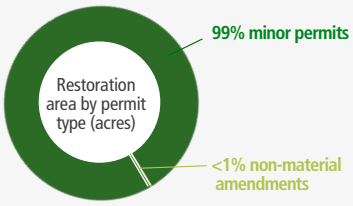
4 emergency permits

Bay surface net change in 2019

+2.6 acres

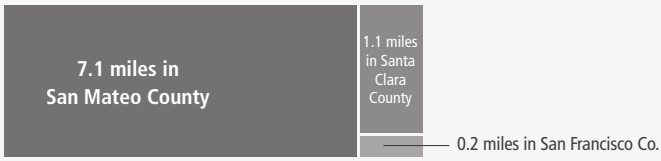
Habitat Restoration

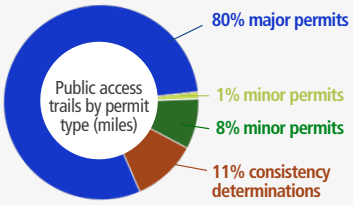
total:
+6.8 acres



Public access: Trails

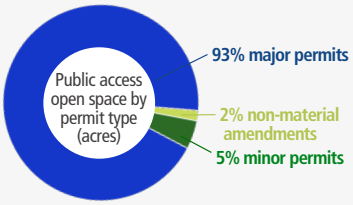
total
+8.4 miles





Public access: Open Space

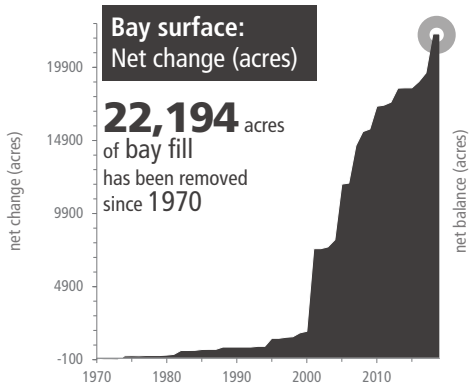
total
+43.8 acres

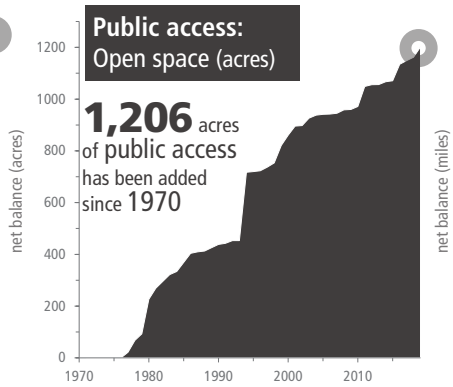


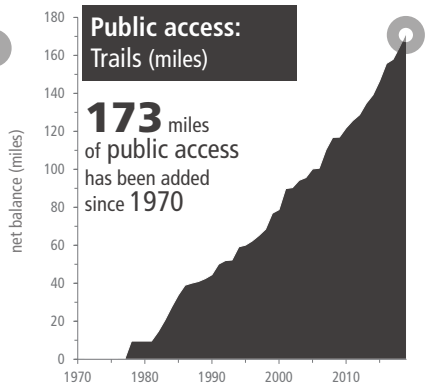
HISTORICAL TRENDS
1970-2019

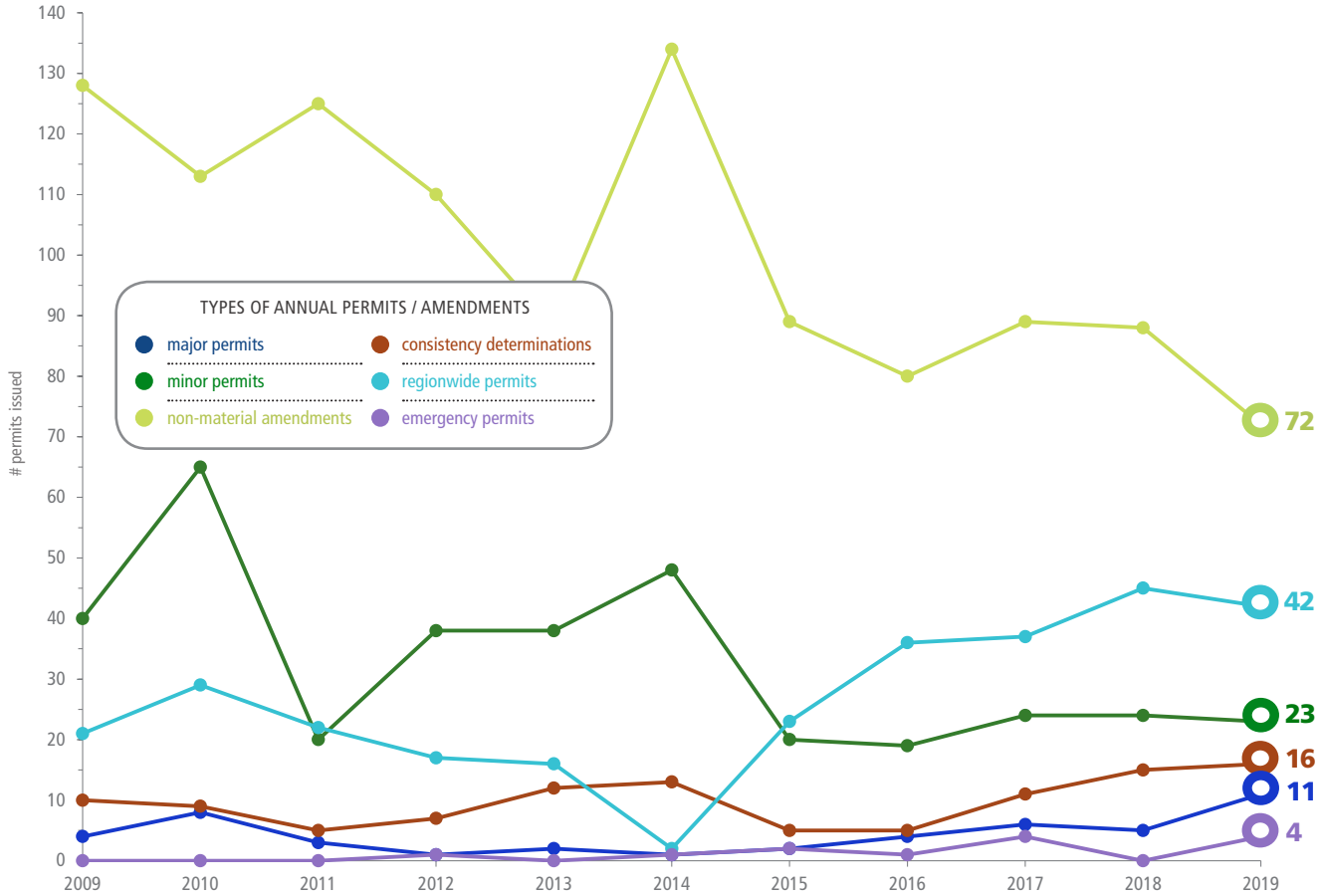
Totals *(1970-2019)*

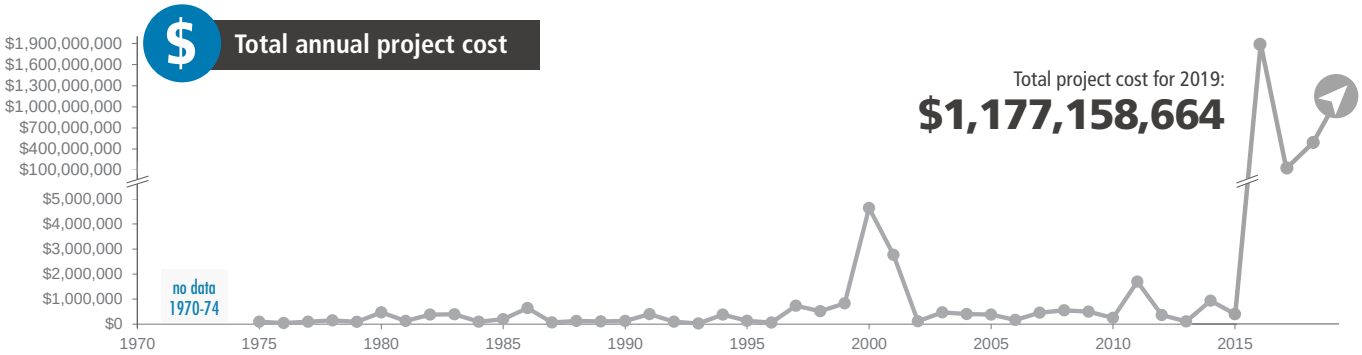
641 major permits **3,922** minor permits **229** consistency determinations











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