




2022

ANNUAL REPORT



SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

< Shipping cranes at the Port of Oakland. Cover photograph courtesy Katharine Pan, 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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INTRODUCTION

MAY 18, 2023

THE HONORABLE GAVIN NEWSOM, GOVERNOR

HONORABLE MEMBERS OF THE CALIFORNIA LEGISLATURE:

SUBJECT: 2022 ANNUAL REPORT

I am pleased to provide you with the 2022 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities BCDC carried out during 2022 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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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 uncontrolled diking, draining, and filling that had reduced the Bay's size by one-third was brought to an end. Over the past 58 years, over 36 square miles of Bay habitat have been restored, public trails and parks have opened along 182 miles of the Bay shoreline, and over \$7.8 billion in productive waterfront development has been built. Last year alone the Commission approved \$397 million in new development, which will make four more miles of the Bay's waterfront available for public use and enjoyment.

While BCDC continues its mission of conserving the Bay, fostering Bay public access, and promoting development consistent with Bay protection, the Commission is ever more strongly focused on addressing accelerated sea level rise driven by global warming that threatens waterfront communities, natural resources, businesses, and infrastructure. In 2022, 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, and working collaboratively with regional partners towards implementation of the Bay Adapt Joint Platform of actions to address rising sea level.

✓ Shoreline trail signs in Brisbane. Image courtesy of BCDC.





As part of implementing BCDC's 2017-2020 Strategic Plan and other cross-agency initiatives, the following are some of BCDC's most important accomplishments in 2022.

- BCDC's Bay Adapt Joint Platform: Regional Strategy for a Rising Bay was endorsed by over 50 local jurisdictions, regional agencies, and organizations, and received over \$5m in funding from the State Coastal Conservancy and Ocean Protection Council for implementation.
- BCDC launched a new Compliance Program aimed at resolving issues before they become enforcement cases.
- Following a robust public process and over 1,500 public comments, the Commission voted to remove Howard Terminal at the Port of Oakland as a Bay Plan Port priority use area.

▲ "Neptune's Daughter," Benicia. Photograph courtesy of BCDC.

▼ Vista from Coyote Hills Regional Park, Fremont. Photograph courtesy of BCDC.



CROSS-AGENCY

RACIAL EQUITY

- BCDC's Racial Equity team, made up of a group of dedicated staff members, drafted goals and objectives for the Racial Equity Action plan in 2022. BCDC hired Ferdman Consultants to help plan and facilitate a workshop on Racial Equity on October 6, 2022, for the Commissioners and members of the public to learn more about the racial equity effort and to provide feedback on the goals and objectives. The workshop—facilitated by Bernardo Ferdman, Maia Ferdman, and Shaphan Roberts—was attended by 21 Commissioners, 47 members of the public, and 20 staff members. Ferdman Consultants provided BCDC with a final report of the workshop feedback and the Racial Equity Team is currently working to incorporate that feedback into the final plan, expected to come out in Spring 2023.

COMMUNICATIONS

- BCDC's Social Media team continued to use Twitter as a platform to share information about BCDC's various public meetings, the Bay Adapt initiative, Environmental Justice projects, the Racial Equity Action Plan workshop, as well as job postings, sister agency news on coastal and environmental issues, staff spotlights, and fun facts about BCDC's work and public access locations around the Bay. In total, a team of six individuals across BCDC departments posted 67 tweets on Twitter and continued to build out BCDC's social media presence in its third year.

OPERATIONS

- BCDC Administration and Information Technology (IT) team had several notable successes in 2022. First was a salary increase, in June 2022, for the entire Coastal Program Analyst (CPA) series, ranging from 10.26% to 5%, depending on the specific job classification. Human Resources is continuing to work with CalHR requesting additional increases to make the CPA series more competitive with comparable positions. The IT team, Financial Services unit, and the Human Resources team all worked collaboratively to implement, in May 2022, the new "TEMPO" online timesheet system to replace the old paper timesheets. BCDC has successfully transitioned from all online meetings to hosting hybrid Commission meetings.

PLANNING

BCDC addressed the following significant planning issues in 2022:

BAY ADAPT: REGIONAL STRATEGY FOR A RISING BAY

- **Bay Adapt moves from strategy to implementation.** Following Commission approval in late 2021, the Bay Adapt Joint Platform has received 55 endorsements from cities, counties, government agencies, nonprofits, and individuals. Staff worked with partners and Commissioners to identify priority tasks and seek support for implementing the tasks. 2022 priorities included: (1) community capacity building, (2) Regional Shoreline Adaptation Plan, (3) regulatory improvements, and (3) serving as a “Backbone” agency for Bay Adapt implementation.
- **BCDC secures over \$5 million to advance and implement the Bay Adapt Joint Platform tasks and add staff and consultant capacity.** BCDC received approximately \$2 million from the Ocean Protection Council (OPC) and approximately \$3 million from the State Coastal Conservancy for implementation of Bay Adapt. These grants will support BCDC’s implementation of Bay Adapt in the four key areas identified above. As with the development of Bay Adapt, BCDC will engage deeply with a range of constituents to ensure that the outcomes are rooted in community and local needs, environmental concerns, and other goals. This funding will support six new positions at BCDC, including two new assistant director positions, several major consultant contracts, and funding for community engagement and Environmental Justice (EJ) Advisors.
- **Bay Adapt kicks off the Regional Shoreline Adaptation Plan.** One of the first major initiatives under Bay Adapt will be the development of a Regional Shoreline Adaptation Plan, consisting of a regional vision and goals with standardized guidelines for the creation subregional adaptation plans. In 2022, staff finalized the scope of work for this project, hired staff to manage the project, issued a Request For Proposals for a \$480,000 consultant scope, and extended invitations for various leadership groups to help guide the project.

ADAPTING TO RISING TIDES (ART) PROGRAM

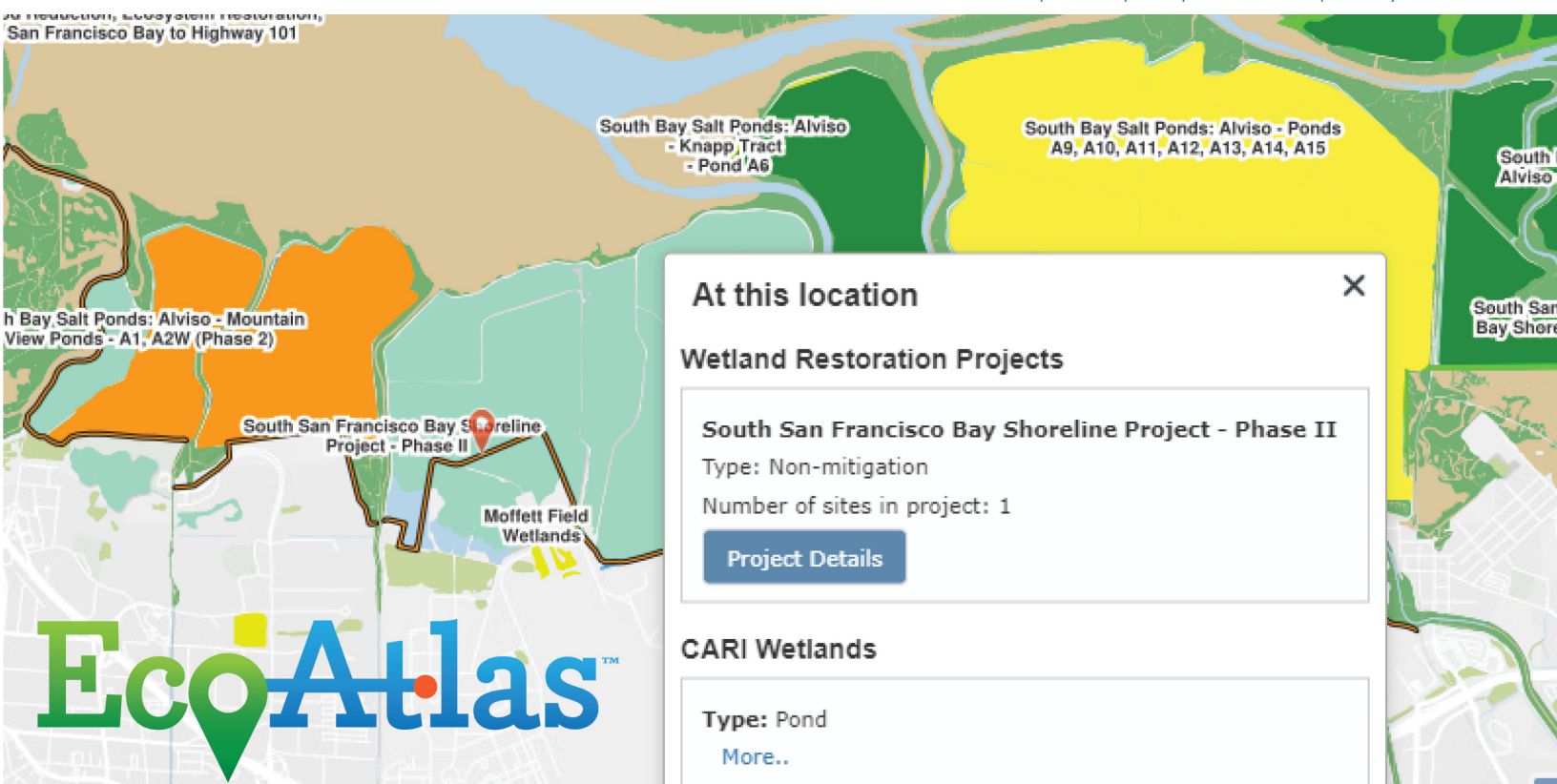
- **ART’s “Adaption Roadmap” offers solutions and strategies to help communities adapt.** The “Adaptation Roadmap” was published in March 2022, as part of the Adapting to Rising Tides Program which provides sea level rise (SLR) adaptation planning resources to support local jurisdictions and communities preparing for climate impacts. The “Adaptation Roadmap” is a solutions-oriented practitioner’s resource for moving beyond sea level rise vulnerability to develop collaboratively built and equitable outcomes to reduce flood risks and prepare communities to make future decisions. The “Adaptation Roadmap” introduces the landscape of adaptation, helps users navigate adaptation concepts, supports decision-making for actionable outcomes, and embeds four foundational pillars in adaptation to be collaborative, equitable, integrative, and advance a flexible adaptation pathways approach. It is designed to be an easy-to-navigate resource that provides both a big picture overview of the key components of sea level rise adaptation and access to in-depth guidance and resources on specific adaptation topics. This project was guided by an expert Advisory Committee made

up of twelve adaptation experts in the region and developed with input from over three dozen subject matter experts. This resource is designed for local practitioners to support and guide best practices on sea level rise adaptation planning. You can learn more at <https://www.adaptingtorisingtides.org/project/adaptation-roadmap/>.



- Mapping shoreline adaptation to inform regional planning.**
 The Shoreline Adaptation Project Map (SAPMap) is a regional effort to map and track shoreline adaptation and habitat restoration projects to inform regional planning and help communicate progress towards regional resilience goals. BCDC has continued to coordinate with regional partners to advance SAPMap goals and has piloted integrating the SAPMap into BCDC's regulatory program. This includes new permit special conditions requiring shoreline development and habitat restoration projects to add project details to the EcoAtlas Project Tracker database, consistent with other regional funding and regulatory programs. You can learn more at <https://www.adaptingtorisingtides.org/project/shoreline-adaptation-project-mapping-program/>.
- Partnering with MTC/ABAG to get a better grasp of the regional costs and funding gap for shoreline adaptation.** MTC/ABAG and BCDC are working in partnership to develop a "Sea Level Rise Adaptation Funding and Investment Framework" (Framework) to advance several actions related to sea level rise adaptation identified in Plan Bay Area 2050 and Bay Adapt. The Framework will provide a regional accounting of sea level rise adaptation projects and costs and a forecast of existing funding sources. It will also analyze potential local and regional revenue sources to address the funding gap between the cost of adaptation and the amount of federal and state funding that the region is likely to receive. A diverse Technical

✓ Screenshot of Shoreline Adaptation Project Map in EcoAtlas. Map courtesy of SFEI.



Advisory Group provided critical guidance over the course of the project development. Additionally, BCDC re-launched its Financing the Future Commissioner Working Group as part of the initiative, and MTC/ABAG's Joint Policy Committee and the Bay Area Regional Collaborative also supported the development of deliverables.

LONG-RANGE PLANNING

- **Commission approves Bay Plan amendment to change Howard Terminal priority use area.** Bay Plan Amendment (BPA) No. 2-19, submitted in January 2019, was initiated at the request of the Oakland Athletics to amend the San Francisco Bay Plan and Seaport Plan to remove the Port priority use area (PUA) designation at Howard Terminal at the Port of Oakland. Removing the Port priority use designation would be the first step for the Commission to consider a future permit application for construction of a ballpark and mixed-use development on the Howard Terminal site. In 2022, BCDC held several public meetings in consideration of the amendment. First, on March 16, 2022, the Seaport Planning Advisory Committee met to discuss the proposed amendment and provide an advisory recommendation to the Commission. On June 2, 2022, the Commission held the first Public Hearing and received 136 unique written public comments and 80 oral comments during the meeting. On June 30th, 2022, the Commission voted in favor of BPA 2-19. In total, BCDC received over 1,500 public comments throughout the amendment process.
- **Commission certifies amendment to the Suisun Resource Conservation District Local Protection Program.** The Commission held a hearing in February and in March voted to certify an amendment to the Suisun Resource Conservation District (SRCD) Component of the Suisun Marsh Local Protection Program. The amendment updates the Individual Water Management Program element of SRCD's component, consisting of 124 new Individual Ownership



Adaptive Habitat Management Plans, which contain water management programs for each managed wetland in private ownership within the boundaries of the Commission's Suisun Marsh Primary Management Area jurisdiction.

- **Seaport Plan updates continue to take shape.** The Seaport Plan is an element of the San Francisco Bay Plan and is used by BCDC to help guide its regulatory decisions on port-related matters. In 2022, staff continued to develop the new Plan's findings and policies and coordinated with the five Bay Area seaports on requests related to adding or removing areas designated for Port priority uses.
- **Background reports and outreach continue on Suisun Marsh Protection Plan update.** Commission staff prepared a Community Outreach Plan, prepared background reports on issues arising from the Suisun Marsh Protection Plan, and refined its approach to reviewing and updating the Suisun Marsh Protection Plan in the future. Commission staff attended an outreach event in October hosted by Sustainable Solano in Suisun City to connect with community members and seek feedback about the Suisun Marsh Protection Plan and the process to review the Plan.
- **Grants received begin beneficial reuse of sediment planning process.** The Commission received a Wetlands Development Grant from the U.S. Environmental Protection Agency and a grant from the State of California Ocean Protection Council to lead a project that would coordinate regional efforts, involve key stakeholders, investigate, and develop new policies around sediment and soil issues. The project includes three phases: (1) An Open Standards for Conservation Practice "Results Chain Analysis" with regional stakeholders to create a beneficial reuse roadmap; (2) a potential San Francisco Bay Plan amendment to address emerging sediment issues, including those addressing wetland and climate adaptation needs; and (3) a financing strategy to support additional beneficial reuse of sediment and soil. To complete the project, Commission staff will partner with the San Francisco Bay Joint Venture and the San Francisco Estuary Institute (SFEI).
- **Mapping and refining priority use area boundaries.** Throughout 2022, Long-Range Planning staff continued to partner with the Geographic Information System (GIS) Program to recommend edits to existing priority use area boundary descriptions in Resolution 16 to make it more accurate and bring it up to date. This also included review of the Commission's priority use area GIS data to improve the efficiency of PUA map changes and make this data available to BCDC stakeholders through publicly accessible online maps. Proposed edits to Resolution 16 will likely come before the Commission in early 2023.
- **Updating the San Francisco Waterfront Special Area Plan.** The Long-Range Planning team continued to partner with the Port of San Francisco to draft an update to the San Francisco Waterfront Special Area plan. Comments on the Draft Environmental Impact Report (DEIR) were submitted to the San Francisco Planning Department in April and a working draft was submitted to the Port of San Francisco in August. An update to the application was received by BCDC in December and a public benefits package and policy development for the Plan will continue into 2023.

ENVIRONMENTAL JUSTICE AND SOCIAL EQUITY

Environmental Justice (EJ) Advisors complete their first year, making headway on process, permitting and racial equity. Key activities and accomplishments include:

- In Spring 2022, the EJ Advisors participated in a staff led training to discuss the Environmental Justice issues related to the BCDC permitting process. The EJ Advisors were given a workbook to comment on the permitting process and have been going through the workbook to provide recommendations to staff about how to make the permitting process more equitable and responsive to community members. The EJ Advisors plan to bring their recommendations back to staff in early 2023.
- The EJ Advisors have been instrumental in helping to craft BCDC's Racial Equity Action Plan. Several EJ Advisors worked with the Racial Equity Team to draft goals, objectives, and action items, which were presented to the public at a workshop held on Oct. 6, 2022. In 2023, EJ Advisors will inform the writing process and help to complete the final plan.
- In the Fall 2022, the EJ Advisors began planning Toxic Tours in their communities. The EJ Advisors plan to invite BCDC staff and Commissioners, along with other agencies and community members, to tour the toxic sites in their neighborhoods and begin a process to start addressing these sites. The toxic tours will be held in 2023.

New tool launched to help BCDC stakeholders identify and partner with community organizations.

BCDC's EJ and GIS Programs continue to collaborate on ways to improve implementation of BCDC's EJ and Social Equity Bay Plan policies through maps and data. BCDC launched a pilot of the community based organization (CBO) Directory Map within our existing Community Vulnerability Mapping tool. The goals of the CBO Directory Map are to support early outreach and engagement between communities and shoreline development projects, to identify partnership opportunities, and to facilitate collaboration on project designs that benefit communities, build bridges, and embed equity in decisions that affect the Bay. The 'beta' version of the tool was reviewed and improved by BCDC staff, EJ Advisors, and the EJ Commissioner Working group input and launched in April. Following the launch, BCDC has been training staff to use the tools and evaluating their effectiveness in addressing staff and stakeholder needs. Staff will expand outreach and integrate feedback to improve the tools in 2023. Access the tool at <https://bcdc.maps.arcgis.com/apps/webappviewer/index.html?id=526ca82e85eb403489de768498f605f3>.

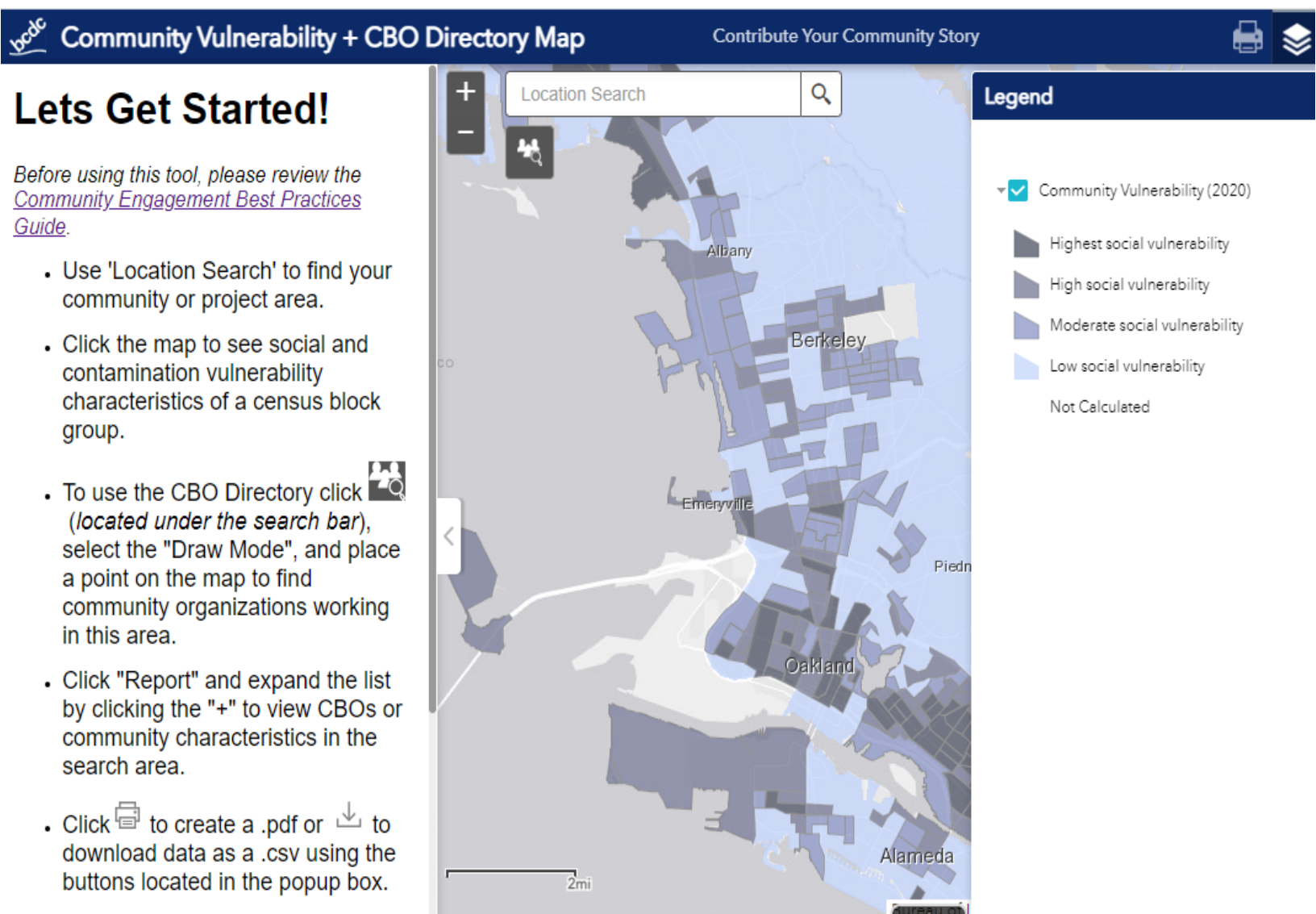
GEOGRAPHIC INFORMATION SYSTEMS (GIS) PROGRAM

- **BCDC continues to share technical GIS data with stakeholders.** The BCDC Open Data Portal continues to be a valuable resource to our stakeholders and an important way that BCDC shares its public data with partners. Usage metrics for the Open Data Portal indicate over 1,700 users visited the site during 2,300 unique sessions in 2022. In addition to the Community Vulnerability and CBO Directory Map data and tool (described in the Environmental Justice and Social Equity section above), BCDC launched the SF Bay Tidal

Datums Web Application which presents detailed daily and extreme tide information for the entirety of the Bay shoreline. This tool was launched as a resource for stakeholders in understanding BCDC jurisdiction. It represents one of several efforts to help communicate BCDC's jurisdiction that GIS staff are engaged in, including a project with SFEI to assess opportunities for BCDC to map jurisdiction throughout the Bay. You can access the Open Data Portal at <https://data-bcdc.opendata.arcgis.com/>.

- **GIS Program expands with new position and capacity.** Finally, BCDC's GIS Program grew by an additional staff member this year as the OPC Bay Adapt grant allowed us to create a new GIS leadperson, who will focus on the data analysis and mapping needs associated with the development of the Regional Shoreline Adaptation Plan, while also setting the direction of the GIS Program. The increased capacity will allow BCDC to continue to develop and share data and tools with our stakeholders and staff, increase collaborative data partnerships, and ensure high quality of the data used to inform BCDC planning and regulatory decisions.

✓ Screenshot of the CBO Directory and Community Vulnerability Map.



REGULATORY

The Commission issued the following significant regulatory permits, permit amendments, and federal consistency determinations in 2022:

- **Lind Tug and Barge, Inc. Oyster Shell Mining Project (BCDC Permit No. 2013.013.00)**
 - » Project Sponsor(s): Lind Tug and Barge, Inc.
 - » Project Location: In the Bay to the north and adjacent to the San Mateo Bridge, in a subtidal area in San Mateo and Alameda Counties, and at a processing facility partially within the 100-foot shoreline band at 1285 Collinsville Road, Suisun City, Solano County.
 - » Project Description: Over seven years, use a hydraulic dredge to mine up to 80,000 cubic yards of oyster shell annually from 1,560 acres of subtidal area of San Francisco Bay leased from the California State Lands Commission, totaling up to 560,000 cubic yards, and discharge associated sediment and wastewater back into the Bay. In addition, the permit authorizes the use, in-kind maintenance, and repair of an oyster shell offloading, stockpiling, and processing facility.

- **Alameda Boatworks Residential Development Project (BCDC Permit No. 2020.003.00)**
 - » Project Sponsor(s): Boatworks, LLC
 - » Project Location: Within the 100-foot shoreline band, at 2229, 2235 and 2241 Clement Avenue, in the City of Alameda, Alameda County.
 - » Project Description: Develop a 9.5-acre residential community, including a waterfront park.

- **900 Innes Park Redevelopment Project (BCDC Permit No. 2021.002.00)**
 - » Project Sponsor(s): San Francisco Recreation and Park Department and the Port of San Francisco
 - » Project Location: In the Bay and within the 100-foot shoreline band, and within a San Francisco Bay Plan-designated "Waterfront Park, Beach" priority use area, at 900 Innes Avenue, in the City and County of San Francisco.
 - » Project Description: Construct an approximately 2.54-acre public waterfront park.

- **Peninsula Innovation Point Project (BCDC Permit No. 1982.020.09, Material Amendment No. Nine)**
 - » Project Sponsor(s): Peninsula Owner, LLC
 - » Project Location: Within the 100-foot shoreline band, at 565 and 567 Airport Boulevard, in the City of Burlingame, San Mateo County.
 - » Project Description: Construct an 8-story, 241,679-square-foot research and development office building, a 5.5-level, 366,654-square-foot parking garage, and improve (and expand by 5,933 square-feet) an existing 2.93-acre public access area.

- **200 Twin Dolphin Drive Office Redevelopment Project (BCDC Permit No. M1982.113.01, Material Amendment No. One)**
 - » Project Sponsor(s): 200-240 Twin Dolphin, LLC and Shores Business Center Association (SBCA)
 - » Project Location: Within the 100-foot shoreline band, at 200-240 Twin Dolphin Drive and adjacent parcels along Belmont Slough, in the City of Redwood City, San Mateo County.
 - » Project Description: Construct a 202,010-square-foot, 5-story office/R&D building, a detached 5-level parking garage, and improve (and expand by 19,000 square-feet) an existing 0.88-acre public access area which includes the Belmont Creek Trail, secondary access paths, public shore parking, and seating.

▼ 565 Airport Boulevard, City of Burlingame. Photograph courtesy of Google.



SEDIMENT MANAGEMENT

- In 2022, the Sediment Management team continued work on the sand transport and supply studies required by the sand mining permits issued to Hanson Aggregates, Lind Marine, and Suisun Associates in 2015. The three research teams worked in collaboration with the Independent Science Panel to develop reports analyzing sand supply and budgets; sand transport into, out of, and within the Bay, including sand flux; and evaluating sediment cores to identify sand sources and general age. This work will be completed and presented to the Commission in 2023.
- The Sediment Management team, in conjunction with the Long-Range Planning Program began work on the Sediment for Wetlands and Adaptation Project, an Environmental Protection Agency and Ocean Protection Council funded project, focused on increasing beneficial reuse of sediment and soil for wetland restoration and sea level rise adaptation. In addition, the team worked with the SF National Estuarine Research Reserve in hosting a workshop and creating a document that explains sediment transport on to and off of marshes, based on the best available science, to support marsh restoration and adaptation projects.

COMPLIANCE

- Flowing out of BCDC's work to better address and prevent enforcement issues, two new positions were added to BCDC in the 2022-23 budget to address and foster compliance with BCDC permits. Since its inception in late 2022, the Compliance Program has been engaged in a number of projects that can be divided into four categories. One category of projects involves contacting new permittees to congratulate them on their new permits and most importantly to review a checklist of deliverables authorized by their permit. In a second category of projects, the Compliance team responds to requests by existing permittees who want to know if certain activities they are contemplating comply with the terms of the permit. A third category involves reviewing monitoring reports submitted by permittees as a condition of their respective permits. Finally, the Compliance team responds to and resolves a number of referrals submitted to them by BCDC staff.

✓ Dredging at the Port of Richmond. Photograph courtesy of BCDC.



Commission achievements accomplished through Enforcement in 2022:

Even as BCDC's Enforcement staff continued to work remotely during the COVID-19 pandemic, BCDC continued to strengthen the Enforcement Program, notably conducting a record number of formal enforcement actions and ending the year, with fewer cases in the caseload queue than in 2021.

In 2022, the staff closed 103 enforcement cases, opened 108 cases and issued two Executive Director orders. The Commission issued five cease and desist orders. The Commission collected \$169, 600.00 in civil penalties.

BCDC's Enforcement team's full implementation of major policy and process improvements to support the comprehensive, albeit small, Enforcement Program resulted in the closure of 108 cases, a substantial increase from the approximately 40 per year when the Program had less staff and supporting resources.

Throughout the year, BCDC's Enforcement Committee worked with the Enforcement staff to analyze cases, approve orders, and receive updates on settlement agreements and other issues of regulatory concern, in addition to receiving periodic updates on the progress toward resolution of the oldest enforcement cases.

Throughout 2022, BCDC's Enforcement Program accomplished significant case resolution and Enforcement Program improvement targets. Other significant milestones included:

1. In February 2022, the Commission approved the hiring of a new Enforcement Policy Manager Matthew Trujillo.
2. In April 2022, the Commission approved the hiring of a new journey-person-level Enforcement Analyst John Creech, constituting an internal promotion.
3. In June 2022, the Office of Administrative Law approved new enforcement regulations, effective October 1, 2022, that, most notably, increased workflow efficiency by allowing the distribution of notices via electronic mail, updated the civil penalty structure, created a new methodology for determining the severity of violations, and defined significant harm to Bay resources and public access.
4. In September 2022, the Commission approved the hiring of a new entry-level Enforcement Analyst Rachel Cohen, constituting an internal promotion.
5. The Commission issued five cease-and-desist and civil penalty orders in 2022, a 250% increase from the prior year.
6. The Commission resolved its oldest enforcement case in 2022 accomplishing a goal of its reinvigorated Enforcement Program since 2019.
7. The Enforcement Committee received quarterly updates on the progress being made in the resolution of the oldest enforcement cases, regular reports on all cases opened and closed, as well as the progress being made toward resolving cases at each committee meeting.

LITIGATION

East Oakland Stadium Alliance, et al. v. SF Bay Conservation and Development Commission, Alameda County Superior Court, Case No. 22CV015323. On July 29, 2022 petitioners East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union filed a petition for writ of mandamus against BCDC in Alameda County Superior Court (Case No. 22CV015323) in regards to the Commission's adoption of Bay Plan Amendment No. 2-19 on June 30, 2022, which removed a Port priority use area designation from an area known as "Howard Terminal" at the Port of Oakland. BCDC staff, in conjunction with the Attorney General's Office, prepared and certified the administrative record for this lawsuit BCDC's and respondent Athletics' joint opposition brief is due on July 14, 2023. Petitioners' reply brief is due on August 3, 2023. The hearing on the merits is scheduled for August 18, 2023.

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 new 4,700-foot 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 for 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 (SFBRWQCB), 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 court also set aside the SFBRWQCB's Cleanup and Abatement Order. The Commission and the SFBRWQCB appealed. The Court of Appeal issued an order in the Commission and SFBRWQCB cases in favor of the Commission and the SFBRWQCB overturning the District Court decision and affirming the Commission and SFBRWQCB orders. BCDC has obtained enforcement judgments against both Sweeney and Point Buckler Club ("Defendants"). Sweeney has filed an appeal challenging whether the trial court properly granted injunctive relief ordering Defendant Sweeney to comply with BCDC's Cease and Desist Order. Sweeney has not challenged the penalty components of the court's orders. The judgments against the Club were entered on default and are not part of the appeal. The SFBRWQCB and BCDC have been working to determine what, if any assets, the Defendants have and to obtain compliance with its comparable order to restore the island.

SF Bay Conservation and Development Commission v. Param et. al., Solano County Superior Court Case No FCS057570. BCDC filed suit against defendants Param Dhillon and Amandeep Dhillon (the Dhillon's) to enforce Commission Cease and Desist Order No. CCD2020.002.00, Executive Director Cease and Desist Order No. ECD2020.001.00, and the related Executive Director orders issued subsequently every ninety days thereafter. BCDC issued these orders for violations of the McAteer Petris Act and the White Slough Protection and Development Act. BCDC seeks injunctive relief and civil penalties for the Dhillon's' violations of the enforcement orders. In late 2019, the Dhillon's unlawfully destroyed protected tidal habitat within the Agencies' jurisdictions and authority by dumping approximately 7,000 cubic yards of earthen material, concrete, and debris onto a portion of the Property, a protected wetland and open space area in the East Lagoon portion of the White Slough. Furthermore, in November 2020, the Dhillon's also placed a concrete and timber structure that blocked a drainage culvert running between the southwestern corner of the Property and the White Slough. The Dhillon's undertook all of these activities without a permit from the SFBRWQCB, BCDC, or any other agency, and with knowledge that the White Slough area is protected tidal habitat subject to state agency jurisdiction and authority under the Porter-Cologne Act, McAteer-Petris Act, White Slough Act, and other state laws and is designated as a "resource conservation" area by the City of Vallejo.

Lee Greenberg v. Lawrence J. Goldzband et. al. Solano County Superior Court Case, No. FCS058917. Mr. Greenberg filed a Writ of Mandate challenging CCD2022.002 on substantive and procedural grounds. The order required Greenberg to remove illegally placed fill from 21 Pierce Lane, which is located in the Suisun Marsh Primary Management Area. It also ordered Mr. Greenberg to pay \$115,000 in administrative civil liability. Mr. Greenberg is out of compliance with all elements of CCD2022.002. BCDC Staff will soon recommend that the Commission authorize the Executive Director to refer an enforcement case against Mr. Greenberg for ongoing noncompliance with CCD2022.002.

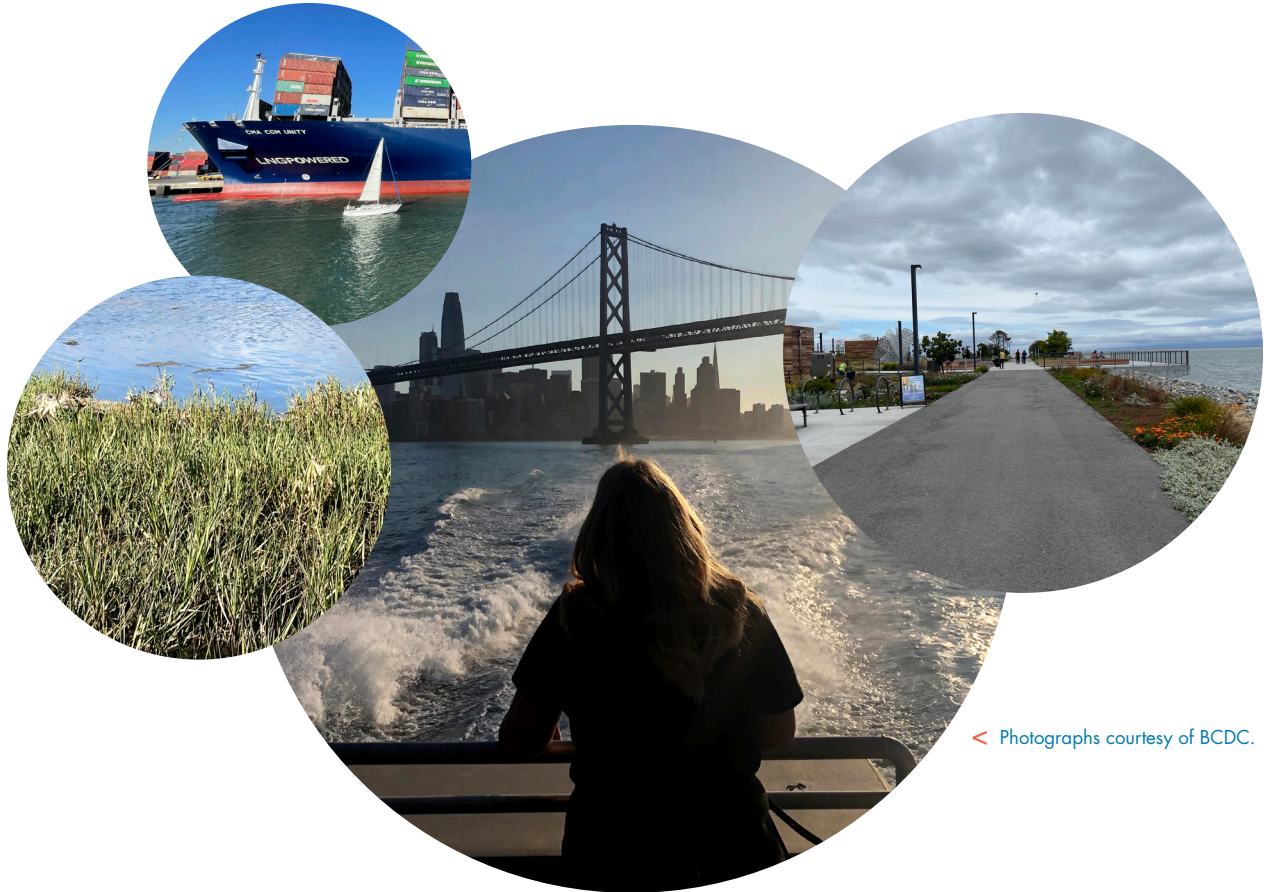
Paul Greenfield v. San Francisco Bay Conservation and Development Commission, et al., (San Francisco County Superior Court Case No. CPF22517823) and *San Francisco Bay Conservation and Development Commission v. PSG Mortgage Lending Corp. and PSG Capital Partners, Inc.* (Super. Ct. San Francisco County, December 12, 2022, (No. CPF22517921)). These cases involve the unpermitted construction of a massive stairwell in the Sea Cliff neighborhood on the northwest shore of San Francisco. The stairwell trespasses on city, state, and federal jurisdictions without authorization. CCD2022.001.00 ordered Respondents PSG Mortgage Lending Corp. and PSG Capital Partners, Inc. to remove the stairwell and restore the site as much as possible to its original condition; it also ordered Respondents to pay \$90,000 in administrative civil liability. The PSG companies did not appear before the Commission; however, Mr. Greenfield, did appear before the Commission, and subsequently challenged the Order in court on a variety of procedural and substantive grounds. BCDC's enforcement case is against the PSG companies for failing to comply with any element of CCD2022.022. No hearings have been held in either matter to date.

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) (Metropolitan Transportation Agency, Association of Bay Area Governments (MTC/ABAG), the Bay Area Air Quality Management District, Water Board, Coastal Conservancy, and BCDC).
- Worked with MTC/ABAG staff on the Funding and Investment Framework project.
- Participate in MTC/ABAG's Priority Conservation Area Update Advisory Group to consult on critical updates to the Priority Conservation Area framework based on ART Bay Area findings and adaptation planning goals established in Bay Adapt.
- 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 Sea Level Rise Leadership Team Working Group, led by the California Natural Resources Agency, to develop a set of statewide Sea Level Rise Guiding Principles and coordinate on their implementation.
- Continued its active partnership with the US Geological Survey (USGS), which uses funding provided by the U.S. Army Corps of Engineers to study sediment transport in the Bay, a key process affecting how wetlands adapt to a rising Bay.
- Collaborated with the Long Term Management Strategy (LTMS) partner agencies to develop a pilot project that allowed the US Army Corps of Engineers (USACE) to dispose of fifty percent of the dredged sediment from Oakland federal navigation channel in exchange for fifty percent of the sediment being beneficially reused at Cullinan Ranch Restoration Project. The project was an effort to maximum beneficial reuse of sediment within the USACE's federal standard least cost paradigm.
- Collaborated with regional scientists and managers through the SFBRWQCB Regional Monitoring Program (RMP) Sediment Working Group to identify and fund research to support understanding of Bay sediment processes under RMP established management questions.
- Served on the Wetland Regional Monitoring Program's (WRMP) Steering Committee, Regulatory Advisory Committee, and Technical Advisory Committee. The WRMP seeks to establish a consistent and effective monitoring program that supports understanding external and internal drivers of wetland restoration success.

- Served on the Management Boards of the San Francisco Bay Joint Venture, the San Francisco Bay National Estuarine Research Reserve, and the Implementation Committee of the San Francisco Estuary Partnership.
- Designated a new Water Trail site, Eckley Pier in Martinez, as part of BCDC's partnership with ABAG and the Coastal Conservancy to implement the San Francisco Bay Water Trail Program.
- Continued to serve on the Bay Restoration Regulatory Integration Team (BRRIT) and the BRRIT Policy Management Committee (PMC), to improve permitting for restoration projects, and engaged with coordinated permitting team for project selected for review by the BRRIT.
- Participated in, and shared project updates at quarterly regional Bay Area Climate Adaptation Network (BayCAN) meetings.
- Participated in the Suisun Marsh Adaptive Management Advisory Team.
- Participated as a planning team member in the [SF Estuary Geospatial Working Group \(SFEGWG\)](#), a diverse multidisciplinary partnership emphasizing integration of geospatial technology in coastal management and restoration. The SFEGWG hosted two biannual meetings focused on the Wetland Regional Monitoring Program and coordination with the Delta Remote Imagery Consortium.
- Regularly coordinated with the Delta Stewardship Council on projects related to the Suisun Marsh, including the Council's Delta Adapts project and the Suisun Marsh Protection Plan update process. BCDC's Executive Director is also an active member of the Delta Plan Interagency Implementation Committee.
- Engaged with Caltrans and MTC in the multi-agency stakeholder planning process related to resiliency and congestion issues at State Route 37.
- Participated in an Environmental Justice and Equity cross-agency group between NOAA, the CA Coastal Agencies, and State Lands Commission.
- Participated in the Governor's Office of Planning and Research's Plan Alignment Advisory Group to advise on alignment between various state, regional, and local plan requirements.
- Participated in the Coastal Zone Managers, National Estuarine Research Reserve, and Office for Coastal Management's Training Collaboration Workgroup to identify staff training priorities for CZM agencies.
- Partnered with Sustainable Solano and The Nature Conservancy to help facilitate Suisun's [Community Resilience Building Workshop](#) to support the development of a Flood Resilience Action plan for Suisun City that included Suisun City leaders, residents, business owners, and environmental professionals.
- Participated by serving on an expert panel for Suisun City [Climate Resilience Community Forum](#) that engaged with residents about flood risks.



< 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 granted	Major Permits ¹ denied	Minor Permits ² granted	Minor Permits ² denied	Permit amendments	Net change in Bay surface ³ (acres)	Total Project cost ⁴ (x \$100,000)	Public access (acres)	Public access (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	5649.3	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	9	0	106	0	140	3807	382	3.4	4.5
2006	2	0	74	0	141	70	169	0.7	0.4
2007	9	0	90	0	109	2560	459	3.5	9.7
2008	9	0	81	0	139	961	552	12.7	6.5
2009	12	0	81	0	128	174	500	1.5	0.2
2010	11	0	114	0	113	1562	251	11.5	4.8
2011	5	0	57	0	125	74	1,700	77.8	3.9
2012	2	0	73	0	110	201	362	6.7	3
2013	4	0	78	0	88	968	112	0.3	6
2014	2	0	75	0	134	13.8	935	11	4.5
2015	4	0	55	0	89	-0.1	407	4	7.4
2016	7	1	71	0	81	419.7	18,811	63.58	5.3
2017	5	1	69	0	90	603.1	1,839	14	2.15
2018	8	0	80	0	89	2672	4,945	13.1	6.67
2019	11	0	75	0	76	9.4	11,772	43.8	8.4
2020	6	0	70	0	72	310.8	3,640	15.2	1.5
2021	6	0	71	0	75	640.1	12,519	12.15	2.97
2022	5	0	78	0	73	-0.7	3,972	0.31	4.34
TOTAL	670	28	4,756	11	5,081	23,151	78,210	1,233	182

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 new minor permits, consistency concurrences approved administratively, and 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.

⁵ Permit counts from 2005 onward have been updated based on improved accounting methods in Summary of Permits Tables for Annual Reports starting in 2021.

SUMMARY OF ENFORCEMENT ACTIVITIES

Caseload
at the beginning
of 2022:

99

New cases
opened in 2022:

108

Cases closed
in 2022:

103

Caseload
at the end
of 2022:

93

Cease and
Desist
Orders issued:

7

Settlement
Agreements
issued:

1

Enforcement
related permits or
amendments
issued:

0

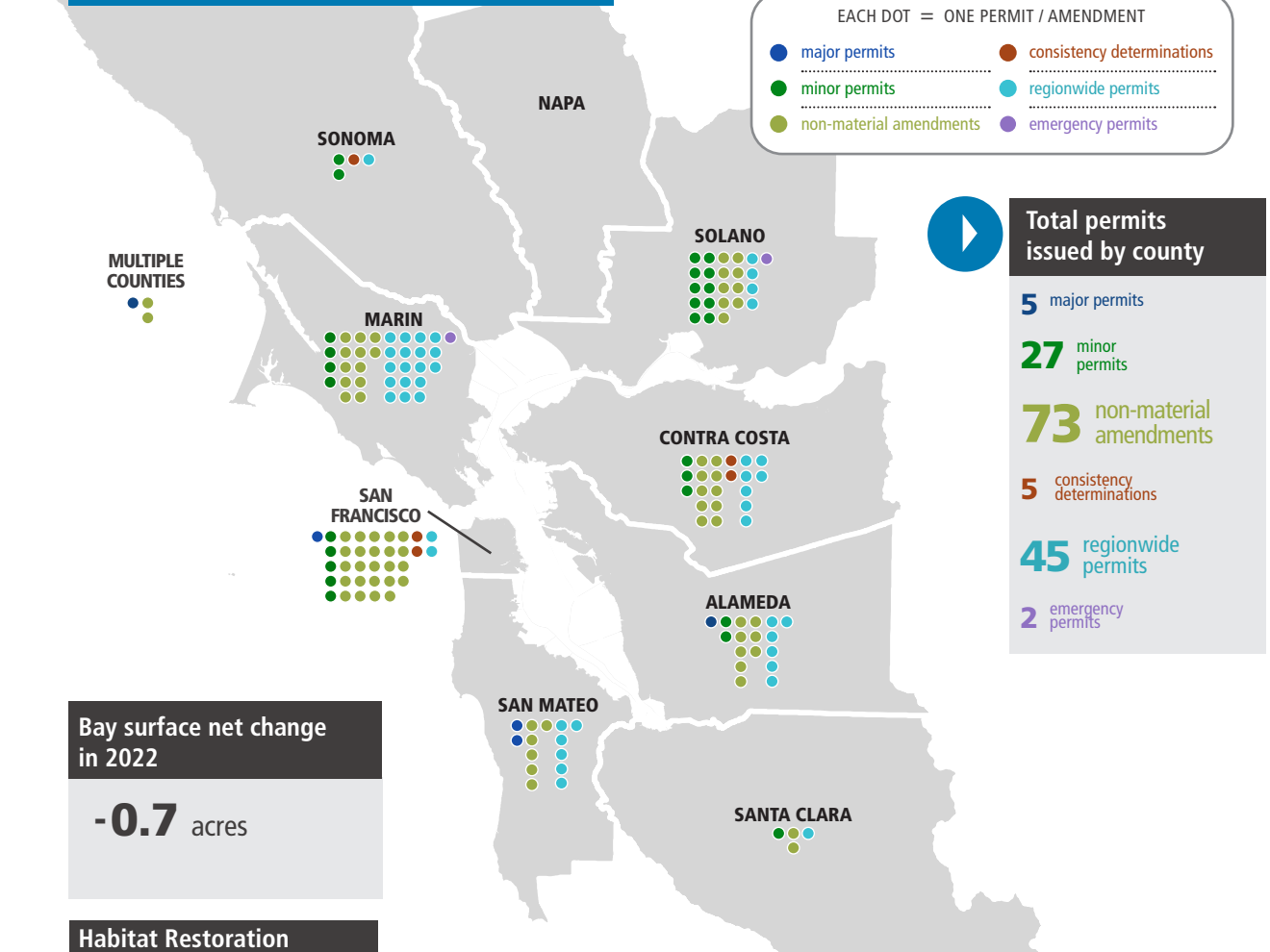
Civil penalties
received:

\$169,600

INCOME BUDGET AND EXPENDITURES SUMMARY

	FY 20-21	FY 21-22
TOTAL FUNDING INCOME	\$10.76M	\$11.90M
General Fund (General Tax Revenues)	7.59M	8.19M
Special Dedicated Funds	1.97M	2.44M
Bay Fill Clean-Up and Abatement Fund Authority	95K	510K
Greenhouse Gas Reduction Fund (Cap and Trade)	1.87M	1.93M
Reimbursements (Actual Recoveries)	1.21M	1.22M
Federal Trust Fund (EPA Grants)		50K
TOTAL SPENDING	\$10.51M	\$11.21M
Total Salaries, Wages, and Benefits	6.14M	7.77M
OE&E	4.37M	3.44M
Rent (Included in OE&E)	1.19M	1.26M

2022 IN REVIEW



Bay surface net change
in 2022

-0.7 acres

Habitat Restoration

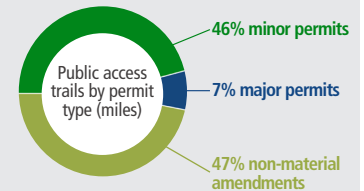
total
+1.7 acres

1.12 acres in
Contra Costa County

0.36 acres
in Marin County

0.13 acres
in San
Francisco
County

0.11
acres in
Santa
Clara
County



Public access: Trails

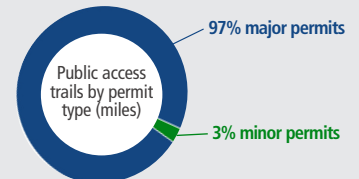
total
+0.3 miles

0.16 miles in
Alameda County

0.13 miles
in San Francisco County

0.02
miles
in San
Mateo
County

0.01 miles in
Contra Costa
County



Public access: Open Space

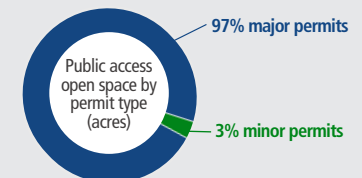
total
+4.3 acres

2.17 acres in
Alameda County

1.90 acres
in San Francisco County

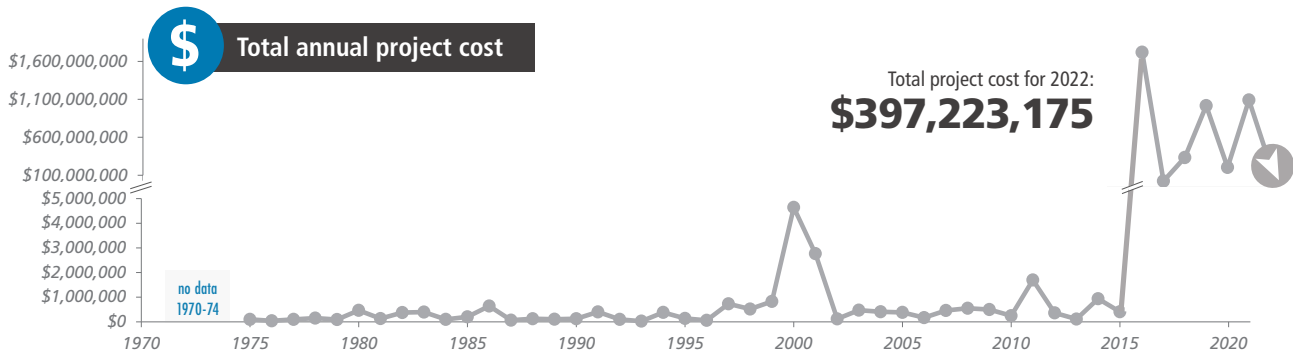
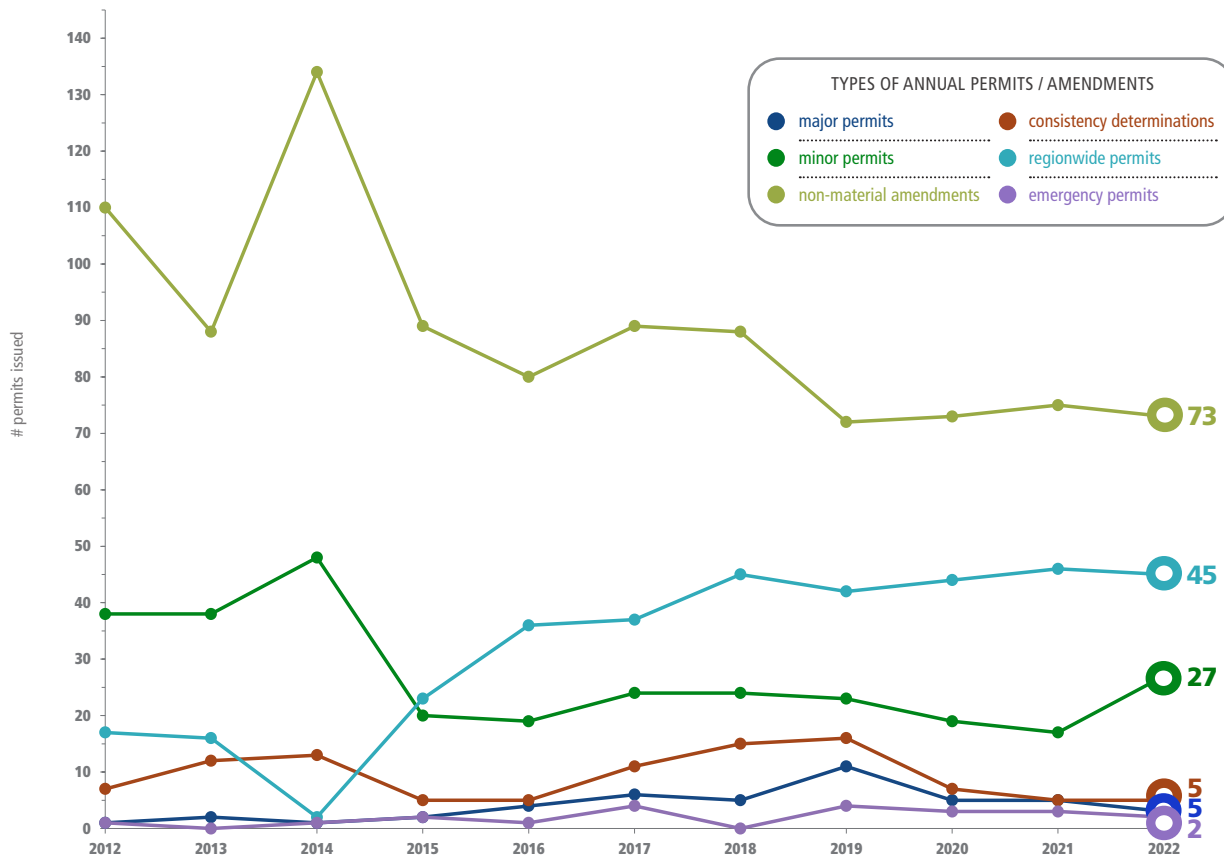
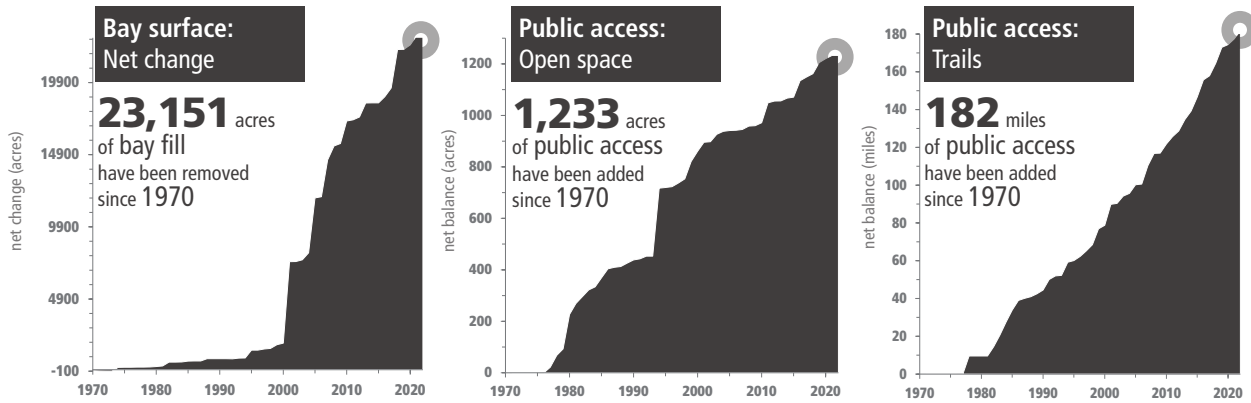
0.14
acres
in San
Mateo
County

0.13 acres in
Contra Costa
County



HISTORICAL TRENDS

1970-2022

Totals (1970-2022)
670 major permits **4,756** minor permits **5,081** permit amendments




SHARE Your Community's Stories to HELP BUILD an Equitable Shoreline!

COMMUNITY BASED ORGANIZATION DIRECTORY

- Connecting SF Bay communities with shoreline conservation and development projects to foster collaboration and increase equity in planning and permitting decisions.
- BCDC recently launched an online directory map of SF Bay community-based organizations (CBOs) serving vulnerable and underserved communities to help build bridges with project proponents and increase engagement.
- By completing this [brief survey](#), you are contributing to this CBO Directory Map and elevating your community's voice in shaping the future of the Bay shoreline!



PROJECT GOALS

- **Provide resources to shoreline permittees to ensure early and appropriate community outreach and engagement in shoreline projects.**
- **Share a holistic narrative of the diverse communities that make up the SF Bay.**
- **Foster partnerships between CBOs and shoreline projects for funding opportunities.**
- **Increase visibility and support networking opportunities amongst CBOs.**
- **Build community capacity to ensure more equitable and sustainable adaptation**

WHO IS BCDC?

- The San Francisco Bay Conservation and Development Commission (BCDC) is a state agency with planning and regulatory authority over shoreline development and restoration.
- BCDC's mission is to protect and enhance the San Francisco Bay and encourage the Bay's responsible and productive use for current and future generations.
- BCDC recently adopted Environmental and Social Equity Bay Plan policies which require increased engagement with impacted communities in our planning and permitting decisions.

[Explore the CBO Directory Map](#)

A TOOL TO ELEVATE YOUR COMMUNITY'S VOICE

WHAT IS A COMMUNITY-BASED ORGANIZATION?

- **Local residents comprise the majority of the organization.**
- **Offices are based in the communities it serves.**
- **Priorities are set and defined by the local residents.**

We are inviting Community Based Organizations representing:

- Renters; People with disabilities; Communities of color; Low-income families; Single-parent households; Seniors; Severely rent burdened households; People experiencing homelessness; Limited English proficiency.
- Indigenous Communities and Indian American Nations/ Tribes.
- Issues related to Environmental Justice; Gender-Equity; Immigrants; LGBTQ; Veterans; Foster Youth; Homelessness; People formerly incarcerated.
- Grassroots community organizations, religious groups, parent teacher associations, neighborhood watch associations.
- Communities identified as vulnerable in BCDC's [Community Vulnerability Mapping](#).

HOW CAN MY CBO PARTICIPATE?

- Contribute your community's voice by completing a short survey about your CBO, including contact information, mission and values, communities served, and stewardship/ service area.
- In order to ensure accountable stewardship of your information, this survey offers the option to keep certain pieces of your information private.
- Once completed, the survey responses you approved to be shared publicly will be posted to BCDC's website for permit applicants to refer to as they develop EJ and community engagement strategies.
- BCDC's website will also encourage those using the tool to refer to best practices guides to ensure they are conducting appropriate and respectful outreach.

Please complete this short survey
bit.ly/cbodirectory21

TO LEARN MORE CONTACT: phoenix.armenta@bcdca.gov



www.bcdc.ca.gov

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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