

San Francisco Bay Conservation and Development Commission

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May 12, 2023

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdc.ca.gov)

SUBJECT: Approved Minutes of May 4, 2023 Hybrid Commission Meeting

1. **Call to Order.** The hybrid meeting was called to order by Chair Wasserman at 1:05 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference. Instructions for public participation were played.

Chair Wasserman stated: My name is Zack Wasserman and I am the Chair of BCDC. Before we get started, I would like to announce that Item 12 on today's agenda regarding BCDC's Annual Report has been postponed.

Chair Wasserman gave instructions to all attendees on procedures for participating in the meeting. He asked Ms. Ruiz to proceed with Agenda Item 2, Roll Call.

2. **Roll Call.** Present were: Chair Wasserman, Commissioners Addiego, Ahn, Arreguin, Beach, Burt, Eckerle, Eklund, Gioia, Gunther, Hasz, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez), Peskin, Ranchod (represented by Alternate Nelson), Ramos, Randolph and Showalter.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Almy), U.S. Environmental Protection Agency (Blake), Department of Business Transportation & Housing (El-Tawansy), Sonoma County (Gorin), Governor (Eisen), Marin County (Moulton-Peters), San Mateo County (Pine), Alameda County (Tam)

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

Chair Wasserman gave instructions for participating in the hybrid meeting. He emphasized the following: Commissioners must have their cameras on, instruction for public attendees was given, those in attendance at 375 Beale Street were socially distanced, comments must be focused and respectful and emails received were noted.



Alison Madden commented: Commissioners, thank you for your service. My name is Alison Madden. I have spoken with some of my other liveaboard advocates in the past. I did want to come in-person today. I am on my way to the boat show at West Point Harbor so I couldn't be there in person. I very much appreciate your service.

I wanted to speak, I know last meeting the agenda item was taken off-agenda about Oyster Cove/Oyster Point compliance and I wanted to make some just very brief and hopefully clear remarks about compliance because I believe that it needs to just be stated that as of October 31, which is the end date of the one year, there will be compliance simply by harbor master management, meaning anyone whose boat came over may not stay on it more than three nights a week and that's compliance.

It doesn't mean the person has to be banished from South City or out of South City or the boat needs to be gone. And this harbor master compliance, review and practice is really observed.

Like the boat show is at West Point Harbor today that I am going to. If you stay more than three nights a week Mark will send you packing, same week. You will be gone if you violate the non-liveaboard limited number of days you can stay.

And while it is true that some of these liveaboard boats were for many years, even decades, people's primary residence, they can't just all of a sudden be seen to have to be living in Isleton or even Alameda if their life is based in South City. So if they come over and their boat is there and they are observing being a non-liveaboard, if they are not matriculated off the waitlist by then then there is compliance and it's that simple.

And I also wanted to reiterate my request for a public process to talk about the liveaboard issue and the houseboat issue.

And I want to state that I think that there was a turning point in the 1980s when staff did a study, and it has been published. There is a lot of content in it that I think public comment would really help to shine a light on and show that it maybe wasn't even true then, it is certainly not true now, in terms of interfering with the view on the Bay. Every marina I have been at it allows even closer and further access to the water and the view.

So, I wanted to make those points, and again, I thank you for your service. I hope that the public process can involve at least two public comment meetings and an open period for providing information from people who would either come in-person or send emails. Yes, that's it, thank you very much.

Chair Wasserman asked: Do we have any public speakers in the building? We do not. All right, thank you.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes for the April 20, 2023 Meeting.** Chair Wasserman asked for a motion and a second to adopt the Minutes of April 20, 2023.

MOTION: Commissioner Eklund moved approval of the Minutes, seconded by Commissioner Nelson.

The motion carried by a voice vote with no abstentions or opposition.

5. **Report of the Chair.** Chair Wasserman reported on the following:

Next week is National Public Service Recognition Week. Although it is a little early, we are not meeting next week so I wanted to take the opportunity to share my appreciation for our staff; and I know that I represent the feelings of all the Commissioners, Alternates, Advisory Board Members and members of the public in doing so.

I particularly want to recognize that behind the excellent presentations and discussions that take place at our meetings we have a dedicated team that supports the mission of this agency whom we rarely see. From providing human resources, budget support, IT, contracts and administrative services, to the planners, permittees, compliance, legal and enforcement staff who are doing all the work that we do see. Although again, many of them we do not see here.

As you all know, when the pandemic sent us all home, they hardly missed a beat and rose to that moment to keep our agency fully functioning. They are how our meetings and our agency's work go smoothly and effectively. Please join me in a round of actual and virtual applause for all the staff at BCDC and let's give them our thanks. (Online and in-person applause)

In addition, as part of that same recognition I want to thank all of our Commissioners and Alternates. None of them has to volunteer for these assignments. And I should note that while we receive a small per diem for our meetings, we are essentially volunteering our time at our Commission meetings and our working group and committee meetings take up valuable time and energy and thought. Both our appointed and elected members represent the very definition of public service and I want to thank all of you for all that you do.

This morning, we held the second meeting of the Financing the Future and Rising Sea Level Commissioner working groups. This morning's presentation focused primarily on how Bay Adapt is going to move into its next phase, including addressing jurisdictional issues and government authority issues. We had, as we always do, a robust discussion amongst the Commissioners and staff of back and forth.

We continue to face very significant challenges, but we face them honestly, forthrightly, and with as much skill as we can bring.

We are truly approaching the point of bringing together, particularly through the guidelines that we are going to develop for local agencies' response to adaptation, to move into our next phase of helping our local agencies and our regional partners as well as private owners and developers into really expanding how we figure out how we are going to adapt. And I say expanding because we know and we discussed that there are adaptation actions in the planning stages and a few of them in the actual implementation stages today.

One of the points made by several Commissioners was that we need to increase our ability to and our practice of telling stories. Of talking about the achievements that have been made not simply by our agency but also by those we work with and those who are actually on the ground developing these projects.

We expect to reconvene the group in roughly two months when we will have, hopefully, a work plan fleshed out and we may even have SB 272 to start dealing with, we will see.

a. **Next BCDC Meeting.** Our next meeting will be on May 18, two weeks from today. It will be a regular hybrid meeting. But as I have done, I encourage you to come. We talked this morning about much of what BCDC is doing as the sinews connecting the various efforts throughout the Bay Region. When we are here we have those interchanges that help make this a stronger, better Commission. I understand there are reasons why people may not be able to but I continue to encourage people to come in person.

At that meeting on May 18 the agenda make consider the following:

- (1) Consideration of legislative positions and possible votes thereon;
- (2) Consideration of a contract for translation and interpreter services;
- (3) Consideration of our Annual Report;
- (4) Consideration of a permit application for a project at 777 Airport Boulevard in San Bruno;
- (5) As well as a permit application for a project at 557 East Bayshore Avenue in Redwood City; and,
- (6) A briefing on BCDC's work with Cargill on issues relating to their salt ponds, that I know one of our favorite constituents, David Lewis, will welcome.

The meeting on the May 18 is an ambitious agenda and I am not sure all of these things will be on it. We will keep you informed as we know but I would encourage you to allocate the full amount of time for that meeting.

b. **Ex-Parte Communications.** That brings us to ex parte communications. In case you have not made a written report and want to make a verbal report, which does not substitute for the requirement of a written report, on any communications with others about permits or adjudicatory matters that have occurred outside of public meetings. Anybody want to make an ex parte report?

I see none up here and I see no hands on the screen.

That brings us to Item 6, the Report of the Executive Director.

6. **Report of the Executive Director.** Executive Director Goldzband reported: Thank you, Chair Wasserman.

It isn't often that a member of the U.S. House of Representatives attains almost cult status for a combination of legislative acumen and humor. Congressman Morris Udall of Arizona, who served in the House for thirty years and finished second to Governor Jimmy Carter in the 1976 Democratic presidential nominating contest, did just that.

During the last half of the last century, he was probably the west's leading voice promoting wise land conservation and stewardship. Sadly, on this date in 1991, Udall resigned his House seat due to his aggressive Parkinson's disease.

I'll always remember hearing him say what became known as the Udall Prayer, perhaps when he announced his support for the 1985 Clean Air Act amendments after years of protecting the Arizona copper industry. He said, "Lord, give us the wisdom to utter words that are gentle and tender, for tomorrow we may have to eat them."

I am extremely pleased to announce that Cory Mann has been promoted to the Principal Waterfront Planner position vacated by Yuri Jewett, who moved over to the Regulatory Division to serve as the Bay Development Design Analyst. You will remember that Cory did extraordinary work managing the Oakland Athletics' Howard Terminal Port Priority Use Area request that the Commission approved last year. Since then, Cory has been working to update the larger Seaport Plan as a whole, which the Commission will review later this year. Cory earned his Bachelor's degree in Environmental Studies from U.C. Santa Cruz and his Masters in City Planning from Cornell University, which makes him a big red banana slug.

While my next statement isn't about a BCDC staff member, it merits the Bay Area's attention. Sandra Scoggin, a long-time staff member of the San Francisco Bay Joint Venture, has announced her retirement. She joined the Joint Venture in 2003 and became its chief in early 2019. The Joint Venture is a broad partnership collaboratory organization whose work coalesces different voices on how to create strategies for the Bay. Sandra has been a tireless advocate for Bay wetland restoration and wildlife. She has also regularly contributed to the Commission's work on Bay Plan policies particularly in the effort to increase the amount of fill for habitat projects and adapting to rising seas. We wish her well in any of her future endeavors, and we look forward to continuing to hear from her!

Our good friends at the Suisun Resource Conservation District celebrated their 60th Anniversary on April 19th. BCDC staff gave a presentation highlighting some of the collaborative work we have accomplished in the Marsh over the past few years and provided an overview of Bay Adapt.

Last year, the Commission certified updates to the Solano County and Suisun Resource Conservation District elements of the Local Protection Plan that will improve management of the duck clubs in the Marsh and we have engaged in a number of stakeholder efforts to build relationships and identify important issues in the Marsh and will continue to do so.

You will remember that the Commission has heard from a number of East Bay residents about the problem of liveaboards in the Oakland Estuary. At the BCDC Enforcement Committee meeting on February 22nd, representatives from the cities of Oakland and Alameda provided a one-year update on the actions that each city has taken to address shoreline encampments and derelict and occupied anchor-out vessels in and along the Alameda-Oakland Estuary.

The Committee received eight written comments and heard from eighteen members of the public on this agenda item. The Committee concluded that while it acknowledges that both cities have made strides in addressing the problems over the past year, more active compliance monitoring by the new Compliance Unit should be performed to keep the cities accountable to BCDC. The Enforcement Committee will be updated by our staff in early summer.

On April 27th, Chair Wasserman approved an emergency dredging episode at AMPORTS berths, located at the Port of Benicia. The AMPORTS berths had significant shoaling along the wharf face earlier this year that caused a vessel to ground on February 20th. The Coast Guard is investigating this and another reported grounding at the facility, and the San Francisco Bar Pilots organization has implemented draft restrictions on ships calling at the Port, which is resulting in light loading of cargo.

Dredging in this region of the Bay is limited to late summer and the fall to protect federally and state-listed Delta and longfin smelt. However, waiting to dredge until August would potentially result in a shutdown of the Valero refinery. Commission staff verified the circumstances resulting in the request for emergency dredging, and coordinated with the USACE, USFWS, the Water Board and CDFW in the emergency declarations, and dredging began on April 30th.

That concludes my Report, Chair Wasserman, and I am happy to answer any questions.

Chair Wasserman asked: Are there any questions for the Executive Director?

Commissioner Gunther was recognized: Mr. Goldzband you said that the Enforcement Committee was considering the issue of liveboards in the Oakland Estuary? Is that the issue or is the issue anchor—outs?

Executive Director Goldzband replied: I combination maybe is the way to think about it. It is that which is illegal in the Estuary itself.

Commissioner Gunther noted: Illegal liveboards.

Executive Director Goldzband answered: There, thank you.

7. Consideration of Administrative Matters. Chair Wasserman stated there were no Administrative Matters before the Commission.

8. A Discussion of, and Possible Votes Concerning Legislative Activity in Sacramento, Including SB 273. Chair Wasserman announced: That brings us to Item 8, a discussion and possible votes concerning legislative activity in Sacramento, including SB 273.

Chair Wasserman continued: I do not expect a vote today. I do want to report to you on the series of discussions that have occurred pursuant to our discussions and action at the last Commission meeting.

The members of the Ad Hoc Committee have had several discussions and Commissioner Peskin and I met with representatives of the Port of San Francisco yesterday along with representatives of the State Lands Commission, their Executive Officer, Jennifer Lucchesi and our Commissioner Sheri Pemberton. There have also been discussions with the private sponsor as well and those discussions are going quite well.

There is agreement on the language amongst that set of sponsors and participants on the language for making clear that BCDC will continue its permit authority under the bill, other than those issues which are specifically addressed in the bill and resolved by the legislature, including a finding that development proposed by the Port and Strada and its partners are consistent with the Public Trust Doctrine, subject to action by the State Lands Commission,

including a series of findings; and the finding by the legislature that the development will not be controlled by the McAteer-Petris requirement of water time or maritime use and no upland alternatives; and resolve the issue, the legislature resolving the issue of whether the project is restoring/ rebuilding/replacing the piers.

But our other normal permitting would be allowed and everybody has agreed to that. Everybody has agreed there is not going to be any residential housing as part of the project.

There was agreement on the language for the study to develop guiding principles on public trust issues regarding adaptation to rising sea levels.

In particular, the issue which has been presented in part by the Piers 30-32 project of developing commercial projects that produce funding that allow for adaptation expenses that might not otherwise be paid for. The Port was a little unclear on what the point was, State Lands helped to make that clear, we chimed in a little bit, and again there is agreement on that language.

There is also agreement in principle, although some details yet to be worked out, about the status of the San Francisco Waterfront Special Area Plan. As you may recall, we proposed language that would have required the Port to have either/or/and satisfied all requirements under that that would have to be satisfied by the time the permits for the project would have been submitted, or an amendment to address that issue had been passed, or the Executive Director made a finding of that the Port was making good faith efforts along those lines.

What we talked about doing, and we expect to have further discussions next week, is developing a memorandum of understanding between the Port and BCDC which will, in essence, set forth the outline, process and timing for one amendment to the Special Area Plan that will address the Exploratorium and Port's obligation to provide approximately a million dollars of fill removal that is part of the Exploratorium's existing permit that will address a requirement for fill in the Fisherman's Wharf area.

And a separate amendment, which will probably take a little longer than that first one, on the other issues under the existing Waterfront Special Area Plan, which is about 20 years old. So, there needs to be some adjustment.

And that entering into that MOU would be a requirement of the permit being issued.

We think that that approach is, actually I do not want to say a better one, but certainly as good as the one we talked about because it really gets at the specifics that are necessary.

I want to be as transparent as possible. The one on the Exploratorium we have discussed this before, this is not news, would exchange the existing requirement to raise money for removal of fill, to raising the same amount of money for an educational program that would be led by the Exploratorium, approved by BCDC, on adaptation to rising sea level.

I know that kind of tradeoff is not without controversy. I am not asking for any votes. I am not asking for any approval at the moment, but I want to be honest, these things are out there. That kind of tradeoff leaves some of us uncomfortable.

I will say as I have said before, the education piece of our adaptation efforts is the one that has lagged behind some of the others. Where we have made some amendments to the Bay Plan already and where Financing the Future is making significant progress, the education piece has not. And the education piece is going to be absolutely critical if we are going to get the kinds of approvals we will need both for potential expansion of our authority in order to assure that we can adapt successfully as well as some of the funding issues.

We hope to have those issues resolved so that we can, in a unified fashion, present them to Senator Weiner and potentially get them into the bill before it is approved by the full Senate.

It is not our last bite at the apple. It will go to the Assembly, but if we can get this done, we want to get it done in that timing. There will be time for this to be brought back to this Commission for a vote and it will be brought back for a vote prior to the time the Senate votes on it.

And that vote, again to be transparent, could still be to oppose, could be to support, could be to take no action. All of those are alternatives that we are not going to resolve today but I expect we will resolve at one of our next two meetings.

Is there any public comment on this issue before I turn to Commissioners' comments?

Ms. Ruiz noted: No hands are raised for public comment.

Chair Wasserman observed: Nobody in the audience seems to be raising their hands.

Commissioners, comments, questions? Commissioner Nelson.

Commissioner Nelson commented: Thanks, Chair. I am thinking here less about the narrow issues regarding Pier 30-32, which clearly needs a solution, and more about the fact that we need to push ourselves on ways to make sure that we are being creative enough and aggressive enough to make sure that we are investing in adaptation around the Bay shoreline.

This bill is not before us for a vote today and I recognize that. But I do want to flag five concerns because discussions about this bill are very much ongoing.

The first is just with regard to this bill in setting a potential precedent. This is the third bill the legislature has considered for just this pier. If this passes, first I have concerns about opening the door for office development on a pier. Frankly, even though this issue is outside of our jurisdiction, that concern is exacerbated by the fact that San Francisco has such an obvious office glut and that there seems to be such a clear upland alternative location.

That concern is heightened by the fact that the bill has not yet been amended to clearly eliminate residential uses. I think we want to make sure we are thinking carefully about the potential that this solution, this approach could be repeated around the Bay shoreline. I am concerned about it with regard to office space; I am even more concerned about that with regard to housing that could open a door that we could really potentially regret down the road.

Second is equity. I think this project raises two equity questions. The first is just whether it is simply a powerful city gets to rewrite the rules regarding acceptable uses on the Bay shoreline, on Bay fill, but other communities may not be in that position.

Many of us were on the Financing the Future Committee earlier today and these issues are being discussed there. There are a set of issues about things like allocating public dollars and how that relates to a project like this that would rewrite the rules to bring capital to the table, private capital to the table, that I think is important for us to think carefully about.

The third concern is the simple fact that the San Francisco Airport needs fill for work they are planning to do and we do not want to wake up and find that this legislation is passed to open the door to a project and then down the road we are faced with an airport project that may or may not have adequate mitigation. That mitigation need is clearly linked to the City's Pier 30-32.

The fourth concern is a simple one and that is that the previous version of 272 was vetoed last year. The issues I just went through we could be addressing in the context of the study that 273 would authorize. That bill was vetoed last year. I do not know what its fate is going to be this year, and that just raises real concerns. We want to make sure we are not in a position where we are making one-off, project-by-project decisions about financing and rules and not making enough progress on looking at those issues holistically.

And then the final concern is I have a question for staff. Many members of the public attended our last meeting to talk about a really intriguing project on Pier 30-32. People were there to talk about the Aquatic Center and programs there and some of the other facilities that could be on that project. I just wanted to make sure it was clear that that project is not before us yet. We do not have an application for that project. As I read the bill, the language is pretty general about whether that is the project we might ultimately see or not.

The two questions for staff, there was a lot of interest in the Aquatic Center. I could imagine that Aquatic Center being difficult to finance given the office space situation in San Francisco. The second is a commitment to assist in financing adaptation, specifically the seawall upgrades. So the two questions are first, what jurisdiction do we have over the Aquatic Center if that facility is difficult to finance? What happens if a project comes before us without that or with it but to be implemented at some uncertain date in the future?

And second, what happens if the applicant comes back to us and says that the project does not pencil out as positively as they had hoped and that the project would make a minimal investment in adaptation?

If one of the reasons we are considering this is to allow users to invest in adaptation, what happens if this project comes back to us with a modest rather than a significant investment in adaptation?

Chair Wasserman responded: The question was addressed to staff. I will let staff give it a shot. I had some answers.

Executive Director Goldzband chimed in: With regard to the first, the bill establishes what the current proposal basically looks like, maybe is the way to think about it. I have no doubt that when more pencil is put to far more paper and drawings are rendered that are far more complete than this, the sponsors will come before the Design Review Board no less than twice.

My bet is the Design Review Board will have marvelous recommendations for them that they will want to take and that the project will look somewhat different. That is just the way the Design Review Board works. I think that the project sponsors recognize that and want to work with the Design Review Board.

The bill itself includes a clause that says, and this is a total paraphrase, substantial changes to what is in the bill, if they happen after the bill is passed, essentially need to be relooked at by the State Lands Commission to ensure compliance with their public trust uses and benefits, et cetera, et cetera. So there is that within the bill.

Whether the ultimate project includes an aquatic facility or whatever, I cannot predict. I know what it looks like now and I know that what it looks like now is a whole lot more positive from BCDC's staff perspective than what it looked like at the beginning and the developers agree with that. So I would imagine it is probably going to look even a little bit more different.

With regard to the second question, I do not know the answer to that question. All I know is that the project at this point is drawn so that there is a certain amount of office space. I imagine that the bill's sponsors believe they can rent that office space, lease that office space at certain value or at a certain price and that spreadsheets are based upon that.

The last thing I am going to do is try to opine on whether that will actually be the case in two, three or seven years, however long it will be until a permit application is received by BCDC. I cannot help you any more than that, I do not think, Commissioner Nelson.

Commissioner Nelson acknowledged: And I understand that. I just want to make sure that we are clear that this bill is happening in a context where we are talking about how to be creative in encouraging financing for adaptation and I just wanted to make sure the Commission is clear that we do not know what actual contribution to adaptation this project would ultimately make.

Chair Wasserman added: A couple of additional responses and then I will recognize Commissioner Gioia. You are absolutely right and you said at the beginning, the project itself is not before us. We do not know for sure what it is going to look like.

In truth, because of this bill, there are some elements of it that are described in more detail than most projects we consider at a similar point in time. But when it gets to us we will deal with it. Whether the Aquatic Center is there, not there, whether it is the right type of public access, not the right type, are all things we will consider.

Certainly, if there is not adequate adaptation to rising sea level we are not going to issue a permit. I do not think there is any question in the developers' minds or the Port's minds about that. And I frankly do not think the Port would push it unless that were part of it. But again, that is all in the future.

I do want to address one or the other issues you have raised and other Commissioners have raised and that is the precedent issue that will some other jurisdiction come forth in the near future raising the same kinds of arguments and concerns.

Number one, from my perspective, there are circumstances about Piers 30-32 which are hard to replicate anywhere else, which is one of the reasons it is been the subject of two other bills in the legislature in the past.

Probably more importantly, again this is my perspective, getting the legislature to authorize this study for State Lands and BCDC to jointly come up with these guiding principles presents us with a basis to say to anybody else who comes forth, we did this. You all knew or should have known we were doing this. We are not going to consider these kinds of issues until we are finished with this study.

And we have had discussions both outside the discussions we had yesterday with the Port with State Lands and I know they feel very similarly, at least their staff does, I cannot speak for the State Lands Commission. So I wanted to add those pieces to it. Commissioner Gioia.

Commissioner Gioia stated: I will speak shortly because a lot of the comments from my former high school classmate Barry Nelson, which is so well stated, and I appreciate Barry raising those issues.

I just wanted to highlight and I appreciate your report, Zack, and that we have set up this Ad Hoc Committee, or working group I should say, is that I think we just have to remember the history of when applicants or jurisdictions, like in this case, San Francisco, have attempted to go around the statutory BCDC process for what may or may not be really good reasons.

Supervisor Peskin will recall, was it 20 years ago, when there was some legislation to have when we were considering potential Bay fill for expanding runways at SFO. Again, legislation that would go around our process.

I know you are conscious of this in the discussions because in this case everyone is going to say, well, the benefit to you is we are going to provide some funding for resiliency for sea level rise, but we want land uses that may not be consistent with the Public Trust Doctrine or the Bay Plan. So we are going to be asked to do, in a way, some quid pro quo, which I always feel uncomfortable about. That, gee, we can fund this, this is a really good project, but we need statutory authority to make sure we can do land use as we may not otherwise be able to do.

So, I just am saying I know we are cautious about that and why there needs to be really good Board discussion and maybe bill language will be worked out. But I still raise that caution and a lot of the same issues that Commissioner Nelson raised.

Chair Wasserman stated: Thank you very much. And I want to recognize the mascot of El Cerrito High School is the Gauchos.

Commissioner Gioia asked: How did you know that?

Chair Wasserman replied: Because the Executive Director always recognizes the mascots of staff. So I raised it with him and he is very quick with research. (Group laughter)

Commissioner Gioia added: Barry can confirm that, yes.

Chair Wasserman continued: I want to address two other things briefly on this that had been raised. One is the issue of 272, the Laird Bill. I have not been able to find anybody, and I obviously have not talked to the governor, or I would not be saying it the way I am saying it, as to why he vetoed it. There are some issues about funding.

But I also think that there was an expectation that it was going to fly through smoothly last time, including having the governor sign it, and there was not a generation of support for it. There will be support, broad support for it this time from a variety of sources. That does not guarantee results, but it is an important bill and I think that the context is different this time than it was last time.

Commissioner Peskin chimed in: While our Chair is remembering his second thing, and I realize staff hates this idea, but I still do not want to back away from my desire to marry the effectiveness of 273, hopefully with the amendments that the Ad Hoc Group has been discussing amongst ourselves and most recently with the Port and State Lands, from the ultimate passage of 867 Revisited, now known as SB 272.

So, what Zack just touched on I think is very important. If BCDC and other coastal management agencies are going to get anything out of 273 I would like to ensure that the governor, who has interest in 273, does not veto 272; and I would for my political money, marry the two together.

Chair Wasserman asked: Any other questions or comments from Commissioners? I see none. I do not expect there to be a motion on this matter.

9. Briefing on BCDC/MTC/ABAG's Sea Level Rise Adaptation Funding and Investment Framework. Chair Wasserman stated: That brings us to Item 9 which is a briefing on BCDC/MTC and ABAG's Sea Level Rise Adaptation Funding and Investment Framework. Jessica, I believe, will start the discussion.

Planning Director Fain presented the following: Thank you, Chair Wasserman. Good afternoon, Commissioners. I am Jessica Fain, Planning Director, and I am standing in today for Dana Brechwald who is unfortunately ill and cannot give this presentation.

We have a presentation and a few guests who are joining us as well, Dave Vautin, Assistant Director of Major Plans from MTC/ABAG and Todd Hallenbeck, BCDC's GIS Lead, are going to be doing most of this presentation.

We are here today to discuss the conclusion of the Sea Level Rise Adaptation Funding and Investment Framework Project, a co-led effort between BCDC and MTC/ABAG. The Framework builds off a bunch of major regional planning efforts, all of which call for a priority action to fill knowledge gaps in the adaptation funding space. We are excited to be back here with you today to bring you the conclusion and final findings of this project.

As we introduce and finalize this Framework it is important to put them into context. As you all very well know, the Bay Area is defined by its relationship to water, with our key waterfront parks, public-access opportunities, vast wetlands, diverse habitats, maritime culture and commerce, and the diverse communities along our shoreline and economic hubs spreading across the Bay, the Delta and the Outer Coast.

Of note, this project does go beyond BCDC's jurisdiction. We are talking about the entire Bay Area, nine-county Bay Area, including the Outer Coast and up into the Delta. Winding across our region are transportation and infrastructure networks that line the shoreline, both connecting us to one another and supporting the region's economic vitality. Sea level rise puts that all at risk.

By 2050 we could be living with a lot more water, 12 to 32 more inches, with many more by the end of century, although we do not yet know how much.

What we do know is that this is a California-wide coastal issue, and it will be felt most acutely here in the Bay Area with two-thirds of the statewide impacts occurring in the Bay Area. Clearly there is a need for significant adaptation action to occur in our region or we will lose much of what we love in the Bay Area.

While it is not possible to quantify every benefit of adapting our iconic shorelines and diverse communities, we can spotlight some elements of what is at risk as the waters rise.

So, for example, it is estimated that 200,000 jobs and 25,000 homes may be at risk, and over 12,000 of the vulnerable homes are in the region's most socially vulnerable areas as defined by BCDC's community vulnerability data. In addition, ecosystems are at risk, including the region's rich and diverse wetlands and tidal marsh habitat that ring our Bay.

In terms of the value of the assets, we are facing at least \$85 billion in just the assessed values of parcels at risk of inundation, and we all know that assessed values are much lower than actual value. But our critical infrastructure will also be exposed.

While these estimates can be mitigated with coordination or multi-benefit solutions, adapting the vulnerable transportation network with elevation or realignment could cost the region up to \$150 billion. Other infrastructures such as wastewater and public utilities will also be costly to adapt.

So, while we will be spotlighting Framework findings and key financial estimates to tackle this challenge today, it is important to keep in mind what is at stake with sea level rise and what adaptation could mean for the people and the places that we care deeply about.

As we have talked about a lot here, BCDC's primary plan that informs our sea level rise work is the Bay Adapt Joint Platform published in 2021. For BCDC our impetus for this project was Action 6, which is: Figure out how to fund adaptation. This project helped us achieve the first task under this action, which is to expand understanding of the financial costs and revenues associated with regional adaptation and helped set the foundation for the next two tasks.

So, with that I will turn it over to Dave Vautin to give the next segment of the presentation.

Mr. Vautin addressed the Commission: Thanks, Jessica; and good afternoon, all. As Jessica mentioned, I am David Vautin with MTC/ABAG. I would like to acknowledge Rachael Hartofelis who is the Project Manager for this effort on our side of the team. I am filling in for her as she is out of office today.

As a quick refresher on the Framework, I would like to review the three key focus areas from this project.

First, the project sought to update and improve our regional accounting of anticipated sea level rise adaptation projects, pulling from prior regional analyses and estimating the regional sea level rise adaptation need through 2050.

Second, the Framework sought to update and characterize existing revenue sources for sea level rise adaptation through an improved inventory and forecast of revenues and characterization of how existing adaptation funds could be dispersed and for what purpose.

Finally, the Framework's third goal was to study how new revenues for sea level rise adaptation needs could be raised most equitably. We did an initial look at a range of possible revenue measures at different scales to answer that question.

In support of the first focus area, we have created a regional inventory of adaptation needs, identifying locally developed projects in various planning stages. The inventory was sourced from local plans as well as from BCDC's Shoreline Adaptation Project mapping program or SAP Map, an extension of EcoAtlas. And you will see a picture of that on the screen.

The inventory was created to help us develop the high-level cost estimates for regional adaptation and to begin identifying planning and implementation gaps. We identified approximately 200 locally identified projects and study areas, which have less defined adaptation interventions, and many include multiple sites among them. To review the inventory, in the fall we spoke with local staff across all nine Bay Area counties, updating over two-thirds of the project inventory and adding additional projects as well.

Furthermore, to better quantify the full magnitude of regional need, the inventory also needed a way to account for costs in areas with less advanced planning or project implementation, or in areas where projects were missing costs. To do this, placeholder values were created by assuming the adaptation of the shoreline in place, including areas that have no known plans, areas where a study has not yet identified specific projects, or areas where a project was not confirmed to provide sufficient protection for sea level rise. These placeholders should be thought of as project gaps that represent vulnerable segments of shoreline and will be replaced by specific ideas generated from further local adaptation planning in the years ahead.

And while this map here is a useful data summary of a moment in time that we will be making available as an interactive tool later this spring, over the long term we envision BCDC's SAP Map tool as a key lens through which the region can track these adaptation projects. As such, data from the Framework will be integrated into the SAP Map effort from which plans and project data can be updated in the years ahead.

We will also be integrating this data into regional planning efforts such as Plan Bay Area 2050 Plus and the Regional Shoreline Adaptation Plan.

When you piece together the projects and placeholder costs, the adaptation estimate through the year 2050 totals \$110 billion expressed in year of expenditure. Half of that cost comes from locally identified projects, with the remainder estimated from the placeholder values, including estimates of additional sediment management needs. Partial project funding available, where known, was also subtracted from the total, although there may be additional projects with partial funding that were not known at the time of the assessment.

However, this value is not necessarily the value the region needs to raise to adapt. As a reminder, this estimate accounts for a very conservative protect-in-place approach to assume adaptation action for all vulnerable shorelines, including low-density areas.

The inventory is also just a snapshot of this moment in time and these adaptation efforts will continue to develop or shift as projects progress through the planning process. The costs of those projects are also anticipated to change as improved information becomes available.

Other strategies not as estimated or assumed in the Framework analysis will also play a role, including adaptation without protection, building code changes and other local policy adjustments. In addition, for future analysis we will need to include riverine and groundwater data once it becomes more broadly regionally available, as well as additional adaptation plans such as those made by utilities.

Now that we have seen this total number let's revisit the cost of inaction that Jessica shared earlier on today.

One key finding of this analysis is that even with just a partial estimate of the cost of inaction, that cost is much higher than the cost of action of the estimated costs for sea level rise adaptation projects through midcentury. Our cost of inaction analysis included losses to assess property values of homes as well as estimated potential impacts on the transportation system. But as Jessica noted, it does not include sophisticated estimates such as real market value of property losses, impacts to the environment, communities and businesses and more. That would certainly increase that \$230 billion even further. This difference, as shown on the screen, makes it clear that adaptation action will be worthwhile many times over.

Now that we have seen the total figure for the region let's take a look at some of the additional nuance across across the various nine Bay Area counties.

The analysis has shown that most of the planned projects are hybrid in nature, which is shown in yellow on the various pie charts. Hybrid projects represent this new regional focus on projects with multiple benefits such as levees paired with marsh restoration. Although there is variance in projects' definition, hybrid projects are incorporated here.

In terms of the counties themselves, Alameda and Marin Counties have the highest cost estimates with the information gathered aligning with their anticipated sea level rise vulnerability.

Notably, approximately half of the estimated value comes from placeholders created to develop cost estimates, with significant implementation gaps identified in Alameda, Contra Costa and Marin Counties.

However, while identifying the implementation gap through these placeholders is useful, we would like to point out that there is a key nuance between counties that is not shown on the pie charts on the screen. For example, in Marin County while they are still identifying specific projects for vulnerable locations, the County has almost no identified planning gaps with very robust local planning efforts. By contrast, in Contra Costa County, the placeholder value represents a significant planning and implementation gap.

We anticipate that these distinctions will become clearer through future efforts such as through the development of sea level rise planning guidelines, through BCDC's Regional Shoreline Adaptation Plan, updating project information through Plan Bay Area 2050 Plus and beyond.

Now we are going to zoom in to one specific county and do a quick deep dive. ART Bay Area published in 2020 by BCDC identified hotspots where vulnerability of regionally- critical systems come together at one major point of overtopping. These points not only represent a measure of vulnerability but also key opportunities for adaptation investments that can provide outsized benefit.

One example of this type of hotspot was identified in East Palo Alto. This location contains the Dumbarton Bridge touchdown, US 101, two socially-vulnerable communities, the Ravenswood PDA and the Bay Trail as well as the Priority Conservation Area in Menlo Park-East Palo Alto Baylands.

When we look at the inventory, however, we see that not only significant planning has occurred along this shoreline but also several adaptation projects and study areas are already underway. This means that most of the countywide cost of \$11 billion is based in real costs, with only a small portion of the estimate as placeholders.

We can even dive into one of these projects even further and highlight the Safer Bay Project, which consists of a series of levees, dikes and restoration projects with an estimated cost of over \$200 million.

Diving deeper into each county and looking at each shoreline's vulnerabilities, including the areas of first and worst, meaning early areas of early flooding and areas of interconnected vulnerabilities where key assets are located, will be an important step forward.

In addition, looking deeper into the planning and implementation gaps will help us shape a more nuanced approach to layering local funding with regional and state grants to meet each county's need.

We have also developed a sea level rise adaptation revenue forecast to estimate how much revenue the region can expect through 2050 from sources that exist today. The Framework has identified new public-funding sources to add to the prior revenue estimates in this space, such as the one included in Plan Bay Area 2050. This includes roughly 30 new adaptation grant programs from just the past two years of state and federal funding.

However, despite that good news and an influx of new revenue opportunities, only a small share of the \$18 billion in new state and federal funds are estimated to be available for sea level rise adaptation and be awarded to projects located in our region. What the Bay Area is likely to receive will be whittled down significantly when we assume a portion of statewide and national funds.

And additionally, most of the 30 new funding programs that have been created are not specific to just sea level rise adaptation but are anticipated to support a range of adaptation needs like wildfire and extreme heat. So, the revenue must be further filtered down to sea level rise specifically. Once we incorporated all these limitations, the region only receives a fraction of that total amount increasing the amount from our prior estimate of just over \$3 billion to the latest estimate of \$5.5 billion.

Furthermore, the governor has proposed cuts to some of these programs in his 2023 Budget. This may further reduce the revenue estimates by \$200 million or more.

The bottom line is that with a significant funding gap for sea level rise adaptation anticipated, more funding will be needed to complement near-term opportunities spotlighted on this slide as well as to support a growing pipeline of sea level rise adaptation investments into the future.

And with that I will turn it over to Todd.

Mr. Hallenbeck presented the following: Thanks, Dave. Good afternoon. My name is Todd Hallenbeck, I serve as your GIS Lead and I provided technical support on this project.

It is in this context that we looked at new funding sources and so as part of closing the gap we will be increasing the available revenues. And while we can and will work to advocate for state and federal funding, it may be beneficial to raise funds at the local, county and regional scale to fund projects or provide matching funds for those federal and state opportunities that do emerge.

The Framework approached this analysis at a high level and exploratory way, intended to provide insight for future research and discussion in the years ahead.

While many funding options are out there for sea level rise adaptation such as sales taxes, business taxes and development fees, among others, the options were filtered based on the overall feasibility and regional precedents.

So as a result, three measures were selected for the purposes of generating case studies. These included parcel taxes, ad valorem property taxes and assessment districts. Parcel taxes and ad valorem property taxes were viewed at the county and regional scales. We also looked at assessment districts at a sub-local basis. For each of these we looked at high level findings and used regional precedents to determine case studies about how these could be used.

Parcel taxes are typically a flat rate tax that does not account for the value and size of the property.

But ad valorem property taxes can be progressive as higher-assessed properties pay more. However, Proposition 13 currently limits how progressive these taxes can be.

Assessment districts are directly tied to specific benefits with less opportunity to tailor them to account for equity disparities. As such, they are most feasible in specific areas with either more resources or direct impacts from sea level rise.

We also generated initial equity findings focusing on who pays and who benefits. This analysis focused on the ad valorem taxes and parcel taxes as they are more likely to be scaled at the county or regional levels as opposed to the assessment districts where findings are highly dependent on the community in question.

With regards to geographic equity, Santa Clara, Alameda and San Francisco Counties have the highest property tax rate while San Mateo and Marin Counties have a disproportionate share of the risk of sea level rise.

However, risks to parcel values obscure some of the additional nuances. For example, in the context of the regional revenue measure, the protection of key regional infrastructure such as US 101 in San Mateo and Marin would benefit travelers regionally. Our key finding here is that while fairly obvious, using multiple funding sources and measures such as ad valorem taxes or parcel taxes would help balance the tax burden.

To analyze social equity we defined social vulnerability areas using BCDC's community vulnerability data, which categorizes areas using a number of vulnerability indicators such as income and race. With this information we found that both taxes benefit socially vulnerable areas to a greater extent than the regional share, therefore advancing equity. However, parcel taxes were found to be less socially equitable than an ad valorem property tax as they place a higher tax burden on socially vulnerable areas. However, as previously mentioned, these are only initial high-level findings.

If a county or regional measure were considered for sea level rise adaptation, additional steps would need to be taken first. For example, in addition to further research, guiding principles would be critical to ensure that the measures were specifically tailored to advance equitable outcomes from the perspective of who pays, as well as how the funds are ultimately structured and distributed. For example, the guiding principles created by the Bay Adapt Joint Platform could serve as the foundation for such an effort if an original resilience measure was being contemplated.

As we conclude, we would like to zoom out and review some of the key findings of the Framework.

The Framework identified a mix of grey and green projects with more than half of the region's known projects focusing on multi-benefit or hybrid solutions.

We also have identified a significant funding gap of over \$100 billion. To address this, increasing revenues, prioritizing or phasing shoreline development and protection and discouraging development in highly vulnerable areas should all be considered moving forward.

We also identified key differences across the region with a disparity in terms of both estimated sea level rise costs as well as the level of local planning and implementation due to resource constraints.

Finally, we determined that multiple funding sources and multiple scales would be required to address the funding gap, even with prioritizing and phasing adaptation projects.

It is critical to prioritize equity. In addition to considering funding approaches that reduce the burden on socially vulnerable areas we can also utilize shared principles to ensure our adaptation decisions are made with equity at the forefront.

Lastly, all of this makes clear that a regional approach to adaptation be a critical piece of the funding and financing puzzle to ensure we meet our regional goals.

As the Framework project concludes, we have identified a number of actions to move these findings forward.

First, we need to prioritize sea level rise investments in upcoming plans such as MTC/ABAG's Plan Bay Area 2050 Plus and BCDC's Regional Shoreline Adaptation Plan to help identify which projects require early action and which might be appropriate for lower cost intervention.

Secondly, MTC and ABAG will explore how to integrate resilience into envisioned regional measures on affordable housing and transportation.

Third, BCDC will continue to maintain and grow the Shoreline Adaptation Project Mapping Program database to ensure that the region has access to the best possible project inventory data.

Fourth, in light of our initial finding's analysis on the limitations of new revenue measures, state and federal funding will be critical to addressing the funding gap. As such we should continue to engage and mobilize elected officials to accelerate our state and federal advocacy to support a greater portion of funding for the Bay Area.

To fulfill Task 6.2 in the Joint Platform we need to better define lead roles for funding plans and projects, ensuring that the region is empowered to secure adaptation monies and distribute them equally.

And lastly, to fulfill Task 6.3 in the Joint Platform we need to identify a path to support cities, counties, and the private sector to fill the funding gaps that the region cannot fill alone.

We want to thank you for your time and attention. Want to open up to any questions that you might have for our panel to respond and also pose some discussion questions for you all to consider, to help us ensure that we can move into the next steps effectively in the coming months.

Those include those posted on the screen which are: What are the best forums to engage and educate and mobilize elected officials for accelerated advocacy for state and federal funding? How do we catalyze funding and financing now that we have real data to backup our needs? And who should spearhead decisions around the funding governance question and how should we decide? Thank you.

Chair Wasserman inquired: Reylina, are there any public speakers here or remote?

Ms. Ruiz noted: No public speakers in the room, there are some online.

Mr. Hausner commented: Jim Hausner. I do have a question and I will disagree with sea level rise. I agree there is certainly a lot of uncertainty in the period 2060 to 2100 because we do not know what is going to happen to Antarctica and the Arctic.

What I am curious about is where the 4.95 feet came in, which was on the very first slide. I saw this when it was presented at the Committee-level meeting and I have gone back and I looked at the OPC information, and I do not see it there at that level. I have looked at the latest NOAA information for San Francisco Bay, which just came out last year, and they have a maximum height of 1.25 feet for the year 2050.

So, the question is, yes, we need to raise money. We probably need to raise a lot more money than we realize. But is this an appropriate amount that we need for 2050 considering that both the OPC indicated that there is almost, I guess, 0.1 percent likelihood of this happening in their 2018 Report and that the NOAA high level number now is at 1.25 feet.

So, the question to the staff is or the Commission, what is the difference if we go down to two feet in terms of the total cost of this program by the year 2050? Thank you very much.

Ms. Ruiz stated: We have a public comment in the room.

Chair Wasserman acknowledged: Yes, proceed, please.

Mr. Chabot spoke: Warner Chabot, San Francisco Estuary Institute. Whether it is one foot, two feet or three feet, the bottom line is you are facing, I think, possibly one of the biggest public policy challenges that this region has ever faced and will face in the next decade.

The amount of assets is over like almost \$250 billion that are at risk. We do not know what is going to happen with climate change. Every report that comes out seems to estimate that it is going faster than the previous report. So, you have a major public policy issue.

I think the idea of trying to raise whether it is 50 billion or 100 billion is irrelevant. It is a huge, amazing number that is going to require massive improvements and how we deal with governance and how we deal with finance. I think it is very important. I said this at an earlier meeting. I think it is very important.

This issue has been out there. It got one story in the paper. I am surprised that it is not seen as a five-alarm level issue to every elected official in the Bay Area whether you are in a city council, a county supervisor, a state official or a congressional official.

We did a great job in providing good leadership about eight years ago in passing Measure AA that raised 25 million a year for wetlands restoration. We are going to need to raise probably much more of that. We are going to need to come up with a Measure AA on steroids to go to the public in the nine-county Bay Area to raise the funding that is necessary so that we have a local match to go after the federal government.

We have three other states, New York, Louisiana and Texas, each which have 30-to-50-billion-dollar proposals in the works working with the Army Corps and others to ask for funding for the federal government to protect their shorelines. Yes, they had the advantage of major storms and hurricanes. But where is it written that you need a major disaster in order to do the planning to prevent the next disaster? We have a monumental disaster in the offing here.

My one recommendation to the BCDC Commissioners is that you, and I think you have already started to talk about this and I just want to reinforce it, is I think it is essential that most local government officials appropriately, whether they are at a city council or a board of supervisors, are going to be focusing on what is happening on their portion of the shoreline, whether it is a city shoreline, a county shoreline, or with an OLU.

I do think it is very important that over the next six months you make a very special effort, both MTC and BCDC, to allocate the staff time so that your staff can make these presentations at the local government level and drive the point home to city council members, mayors, county supervisors, Silicon Valley Leadership Group, Bay Area Council and others as to

what the implications are and the need for a concerted, collaborative leadership level at the local, state and federal congressional level so that we have a strategy that is going to raise the funds, both locally and be able to have a match to raise the funds at a national level. Thank you for your time.

Chair Wasserman continued: Thank you, Warner.

Ms. Dev commented: Thank you all, Commissioners, for all the work that you are doing on this very important issue. My name is Gita Dev, I am speaking as an individual who lives on the Peninsula.

I want to endorse what Mr. Chabot just said because what we are noticing on the Peninsula is that in order to get funding for resilience or levees, one of the approaches seems to be to invite very large projects to build along, develop along the Bay edge in order to be able to get the funding for the levee work.

One Shoreline has come up with some policy frameworks that cities can adopt into their general plans as an ordinance for shoreline adaptation. However, this tendency to encourage extraordinarily high levels of development along the Bay edge in very vulnerable, high-liquefaction areas, is, I feel, inviting trouble down the road.

And how we also get funds for the adaptation or resilience or acquisition of areas that can receive water is something that I feel we need to also include in the sort of presentation that Mr. Chabot is talking about.

It is of great concern because as the sea levels rise and tidal wetlands do get submerged, we do need areas where we do allow water to go.

And I know managed retreat is a bad word and a hard word but I think somehow that needs to be included in the conversation by using maybe other words than managed retreat. It is a concept that I think everyone can understand and we need strategies for that too. Thank you.

Ms. Ruiz stated: Thank you, Gita. No other public comment.

Chair Wasserman invited Commissioner comments: Thank you. Comments, questions from Commissioners?

Commissioner Nelson commented: I want to thank staff for a really helpful presentation. A couple of things. First, would it be possible to bring up slide 9 again, is that possible? And then I am going to ask for slide 6 later if I can do that. Thank you.

If you look at Sonoma, Marin, San Mateo in particular, I just wanted to make sure I am reading this right. Those cost totals for those coastal counties, those are the costs for Bay adaptation alone right, not coastal adaptation?

Ms. Fain answered: It includes coastal.

Commissioner Nelson acknowledged: It does include coastal. Okay, that's important context. I just wanted to note for those of us thinking sort of statewide about statewide strategies, two other elephants in the room, right? One of those is coastal adaptation, which is going to be enormously costly. And if you look at the newly adopted Central Valley State Flood

Protection Plan, it states that the worst-case, climate-driven flood in the Central Valley could cause a trillion dollars in damage. So, as we think about this financing challenge it is just important that we recognize that as we are thinking about adaptation around the Bay others are thinking about coastal adaptation and then another group of folks are thinking about adaptation to riverine flooding driven by the coastal adaptation. As we think about financing, we have got to make sure we are thinking about the size of the challenge there.

Executive Director Goldzband added: Just to further that. After the first presentation of this at the Financing the Future Working Group meeting four weeks ago, I received an email from the Chair of the California Coastal Commission who was very, very impressed with this report and has asked that BCDC and MTC staff present it at its June 7 Commission meeting, at least provisionally that is what they think.

This is the first time that the Coastal Commission has seen a report like this and who knows what they plan to do as a result of it, so they are starting to think like this as well.

Commissioner Nelson continued: Great. Second, I had flagged early on in our discussion about 273 concerns about equity and financing issues. I just wanted to thank staff for making sure that that equity issue was highlighted here in a number of places, a really important issue.

One of your discussion questions is how do we address that? There are going to be between local government, stakeholders, property shoreline property owners, there are going to be a lot of folks with a stake in that. What is that forum? I am not exactly sure it is a lot bigger than our Financing the Future meetings right now.

The third one, the third thought, and this is, Reggie, slide number 6 if it is possible to bring that up. I just want to make sure I am reading this correctly as well. The green areas are potential protective infrastructure needs, right? Those are areas where there has not been a completed regional shoreline plan and we do not have projects, right?

Mr. Hallenbeck acknowledged: Yes, that is correct. Those are areas where we were not able to identify any known projects or plans but that do experience vulnerability to that total water level.

Commissioner Nelson noted: I just wanted to highlight this with regard to SB 272, which we were talking about earlier. We are making great progress in doing adaptation planning work around the Bay, but this slide really highlights that we have got a lot more work to do and 272 would really help us make sure that we have a truly comprehensive, a truly regional effort. This is really helpful to help us see those gaps in what we are currently doing, as ambitious as those efforts are. Thank you.

Commissioner Gunther was yielded the floor: First, again, this is great. It does not matter how much it is going to cost right now, it is going to cost a lot. That is the first line of the story, right? It is going to cost a lot.

The second line of the story, the cavalry is not coming over the hill to save us. I do not see how the federal and state government will even keep up with the humanitarian challenges that they will be facing in coming decades.

If we want to talk about managed retreat, I do not want to hear BCDC use that word without saying, retreat to where, okay? The minute you talk about retreat to someone who lives somewhere, you can retreat, where do I go? Because that makes that issue way more complicated.

We used to use the term, networked assets, to try and help people who do not live near an area of inundation understand that they are going to face the pain. I am wondering, I have not heard that term. Is that because it just kind of like sort of went right past and people did not get it?

But somehow that, as we do our education, I think there is a need to help those who do not live where feet getting wet can understand that they are still going to be affected. And I do not know whether it is the flooding of transportation. You guys know more about like where various land uses are, whether warehouses are. There is a level of networked impact that I would like us to keep remembering if we can.

And then lastly, I just want to say that this idea that it is going to cost us more if we do not do this, that is another part of this. It is another simple part of the story that we need to keep reiterating so people understand that expending this money is to avoid spending more money later. Thanks.

Executive Director Goldzband made a request of the Chair: Mr. Chair, may I respond to the Commissioner?

Chair Wasserman answered: Yes.

Executive Director Goldzband continued: So, I am going to ask Jessica to remind us to provide to Commissioner Gunther a copy of the 2020 ART Bay Area Study. What you saw on slide something was we did not use the term, networked assets, but instead used the term, hotspot. That was where four different standards were met, essentially, or four different problems happened at the same place.

What the ART Bay Area Study did in 2020 was demonstrate that when that happens here the people over there are out of luck. Or when it happens here, the people over there are out of luck. Or in the way we think about it in Lafayette, you cannot flush your toilets if the wastewater treatment plant that you never see because it is next to the Bay cannot do what it does because of rising sea level. And so that kind of regional approach to education is incredibly important so you can think about networked assets in a number of different ways.

Commissioner Gunther surmised: I probably got that term from the ART Bay Area Project in 2020 and toilets backing up is another interesting story.

Commissioner Eckerle commented: I just wanted to thank staff and everyone who was involved in this report and all of the mapping, it is incredibly important. I agree with Warner, it is very impactful and we need to be sharing this story widely.

I think the mapping and the analysis really will help us not only as people have said identify gaps in adaptation planning but really helping us prioritize investments in communities that are most vulnerable and under-resourced and places that are going to suffer the greatest risks at the earliest time. So, I just am thankful for this presentation and the work and much work to do going forward.

I also just wanted to flag that the Ocean Protection Council had previously invested in a California Coastal Adaptation Planning Inventory, and this is for the open coast. Really looking at our level of preparedness for adaptation planning along the coast. Our Council just approved an additional round of funding to build out that inventory to include all of San Francisco Bay, tribal lands and federal lands.

So, I will connect my team with the BCDC team to make sure that that work is complementary of the work that we were just shown today. Thank you.

Commissioner Gioia was recognized: Thanks for the presentation. I know we also had a lot of discussion about this presentation at the Financing the Future group a while back.

I just want to add on to a couple points that Commissioner Gunther mentioned. I totally agree, we do not need to be arguing over the amount. It is going to cost a lot.

But I think of two lines for the message. It is going to cost a lot to deal with this. But it is going to cost a lot more if we don't. I think that is really the takeaway. It is a lot, but it is going to be a lot more if we do nothing. At least we can make the cost burden more predictable once we figure out more financing. I think as we said at the workgroup, it is going to take all of the above on financing mechanisms from federal to state, regional, local, private sector, public.

And it is going to be potentially more unpredictable about how the costs are borne if we do nothing, including hard hit, frontline impacted communities.

I agree with Commissioner Nelson's comments, we talked about equity. That is going to be a big factor in how we all look at making recommendations to funding this a-lot cost. Because there is the potential for a lot of unpredictable consequences, right, and cost on low-income and frontline communities.

Also, I think Commissioner Gunther's comment about the use of the term, managed retreat, and I think I raised this at the workgroup too. I think managed retreat is a bad word for many reasons including the reason that Commissioner Gunther mentioned. And in addition, if we are trying to build public support, you want to build public support for something that is strong, like resiliency.

Some of the Commissioners here will remember the effort a number of years ago by some developers in some cities to start using the term, retreat, when BCDC was trying to make some amendments to its Bay Plan and some areas maybe would not be developed. Cities and developers were saying, they want us to retreat, because retreat sounds like you lost. Resiliency sounds like you are winning and is strong. So for a number of reasons, I think we do have to come up with a different term than, managed retreat.

Finally, I know there are a number of counties around the Bay Area, including our own in Contra Costa, that are looking at doing more of our own planning in the county.

I think BCDC obviously can play a really important role in these county or sub-regional efforts. And I know that they are ready to do that. So, does BCDC need more funding to help sub-regional efforts? Can you talk about that?

Obviously, counties are going to be looking for their own funding sources to do this more granular work and how can we all support getting more funding for BCDC and the amazing work that the planning folks are already doing to help the local planning efforts?

Chair Wasserman responded: I will certainly let staff answer if they want to, but the simple answer is, yes, BCDC needs more funding. So do local agencies.

Certainly, part of the discussions around SB 272 and its predecessor do address that funding issue, not with a specific bill but with a concept that if 272 is passed and signed by the governor, as it certainly should be, there is going to have to be funding to make it possible.

Commissioner Gioia acknowledged and asked: Right. But there is no funding in the bill, right?

Chair Wasserman replied: Well, no, because it is a policy bill, not an appropriations bill. There has to be a follow-up. The same thing is true of 273 at a lesser level; 273 needs some funding for the study and we are working for that but those are smaller, somewhat more manageable numbers.

One of the pieces, and there is difficulty in this, BCDC needs a whole lot more funding. We need it for many reasons. We are also, as we all know, in a fiscal situation for the state and the nation where there is less money available. So, it is going to be a fight. It is going to have to be a longtime fight. It is going to have to be an iterative fight. And yes, we just need more money on a whole range of fronts.

Commissioner Randolph stated: I just want to associate myself with the remarks of Commissioner Gunther and Commissioner Gioia about the conversation on managed retreat and resilience.

I do remember ten-plus years ago when this became an issue and we got beat up pretty heavily on it when folks saw the maps that show where water could potentially go and said, ah, well, that's where you want us to retreat. Which was not the case but that is the way the interpretation went.

This seems to be potentially the most fraught area of the conversation as we are talking about this going forward and the most sensitive because this is where there are actual hard economic interests as well as community interests, literally on the front line. So I think it does suggest that as we go deeper into our consultations on the planning that we need to take extra effort to engage local communities but also directly engage the business communities so there is no misunderstanding and there is as much consensus as we can achieve on what we mean and what the options are.

Commissioner Showalter commented: First of all, I would just like to add my thanks for this presentation. I really love the infographics. They are so powerful, keep them coming. I think we are all going to be stealing pages out of this to use at various talks we give in the next few years so you will get lots of requests for that.

Anyway, I wanted to mention a couple of things. One, we seem to have a really good, at least in the South Bay and on the Peninsula, we have a very robust ecosystem of nonprofits who are supporting GHG reductions. But we do not have, with the exception of Gita of the sea level rise group for the Loma Prieta Sierra Club, we do not have an ecosystem of groups that are supporting sea level rise protections.

So, I think we need to figure out a way to get those GHG reduction groups like Carbon Free Silicon Valley, Carbon Free Mountain View, I am sure there are some other Carbon Frees, that have just done a bang-up job in getting reach codes for electricity passed. We need to get them on board because that kind of advocacy is very powerful, is vital, and we are not going to be able to do this without them. I would just like us all to think about in our own communities where are these groups and what can we do to make them more robust?

And then another thing I wanted to say about what do you get when you do a sea level rise protection project? Well, when you have a horrible storm, you get protection. Of course, that's great. As an engineer that means a lot to me. But as just an ordinary person, the thing you usually get is a park. You get trails on top of the levees. You get a park. You get places to go watch birds. What's not to like?

Let's remember to talk about what is the everyday use of these facilities that we are building to protect us from sea level rise protection. They have objectives that make our lives better on a day-to-day basis and we do not want to forget about that. And they are expensive. But hey, they are really important and we all enjoy them. And they are one of the things when people talk about why do they want to live in the Bay Area. It is because there are great places to go hiking. There is good access to the water. There are beautiful vistas. All of these things are given more access, generally, by sea level rise protection projects. Thank you.

Commissioner Eklund had a question: I have a question and then a couple of comments. First of all, in your estimates of what it was going to cost us in order to be able to manage sea level rise. How far upstream did you go? Because obviously with sea level rise you are going to have a rise in the rivers and the streams and everything that are far outside of the coastal zone area. So how far upstream did you go when you made your estimate of what we need to do?

Mr. Hallenbeck fielded this question: The vulnerability that we assessed for things that would be impacted was basically related to tidal inundation, so not incorporating precipitation, upper watershed sort of flooding. Similarly, the projects that we identified to estimate the adaptation need were really focused on mostly that shoreline tidal extent of rivers and channels.

Commissioner Eklund acknowledged: Yes, I sort of figured that the cost for cities or counties or the whole Bay Area to be able to adapt to sea level change is not only the estimates that you provided us today, because that is only the coastal zone as well as the tidal influence. But in most of the jurisdictions that are close to the Bay we have a lot of rivers and streams that we are trying to deal with flooding right now and we do not even have the funds to be able to deal with that.

I, first of all, want to compliment you as everyone else has here. Great, report, great information for us to be able to really have some deep discussions about in the future. But I have said this at ABAG, and I will say it again, I said it this morning, is that, I seem to be most of the time a voice of some of the smaller cities. We are a 55,000 population, which is not too small, but it is still one of the smaller ones; and we are the lowest property tax city in the

County of Marin, 7 cents on the dollar. Mill Valley is 26 cents. I do not need to go through all the cities, but I know them all by heart in Marin. Because there is a reason why we were this, but you have to know a little bit more about Prop 78, which takes the conversation down a different path. But when I saw in the memo that the sentence says:

“To address this substantial funding gap ...”

Again, that was only identified in this report.

“... the region will need to increase available adaptation revenues. The region should of course advocate for additional federal and state funding, but it may also be beneficial to raise revenue locally or regionally to provide a match for state and federal funds.”

And that statement, we really need to really identify what additional dollars will be needed. That would be contacting the cities and see what is in our flood control plans and I believe most of the flood control districts or cities and counties have that information.

What is going to be needed to do that upstream adaptation as well. Because if we had a choice between contributing to sea level rise on the Bay versus sea level rise impacts on our streams or rivers, which is right next door to where houses are located and some of those embankments are failing, especially with the winds and everything and all the trees being blown down. We would have to make a choice because there are cities that do not have that revenue available or even have the capacity to raise it.

So, it is another little red flag that I think that we need to keep in mind and remind the legislature as we embark on this very important issue. That the funding really needs to primarily come from the state and federal government in order to help this. Thank you.

Chair Wasserman continued: Seeing no others I have one quick question and one quick comment.

In assembling the cost estimates on both sides did you include things like the Mountain View Report that Commissioner Showalter referred to? There are, based on her comments and some other knowledge, some subregional analyses, good, bad, indifferent in quality, out there already. I am just trying to get a sense of whether you had the resources to include those in your estimates?

Mr. Hallenbeck answered: I believe that in terms of project inventories, some of the projects and assessments that you had referenced I believe at the previous working group meeting, if that is what you are referring to, Chair, were, I think, present in our inventory in terms of the information that we collected. So, yes, that was an attempt to be as comprehensive as possible.

Chair Wasserman acknowledged: Got it, thank you. Then my comment, which to some extent echoes those that have been made. But absolutely the estimates in your report are estimates. To the extent they are not right they are almost certainly on each side low. So, in terms of saying, yes, it is going to be a lot of money. We have got some figures here. They are not final figures. They are not totally refined. We acknowledge there are gaps on both sides. But those are dollars.

That \$120 billion gap between what adaptation is estimated to cost and what nonadaptation will result in, is at one hand almost too big a figure to grasp. On the other hand, it is a specific figure and part of storytelling, which we talked about earlier, is having specifics. So, I do not want us to put those aside because they are not absolutely certain.

Commissioner Gunther offered clarification: I am sorry if I gave you that impression. No, I want us to repeat them far and wide. My point is it does not matter if we have to come back later and revise them. It is the closest we have got now. I was fine when people were saying it was 19 billion. I do not think we are done at 110.

I also want to point out that while I was critical of the concept of, managed retreat, without understanding where people will go, I would much prefer it over, chaotic retreat. And if we do not think and plan like we are doing now, chaotic retreat, is the alternative we are selecting.

Chair Wasserman noted: I think that concludes the remarks and questions. Thank you very much for the presentation. There is no action on this one. We will hear more in the future about this.

10. Briefing on the California Natural Resources Agency's *Pathways to 30x30: Accelerating Conservation of California's Nature*. Chair Wasserman stated: We will turn to Item 10, a briefing on the California Natural Resources Agency Pathways to 30x30: Accelerating Conservation of California's Nature. Commissioner Eckerle I think is going to start us off.

Commissioner Eckerle introduced Agenda Item 10: Thank you so much. I am just happy to be here to co-present today with my colleague and good friend, Dr. Jennifer Norris. She is the Natural Resources Agency's Deputy Secretary for Biodiversity and Habitat. She is also the brains and the visionary behind this *Pathways to 30x30* document and really the author of this roadmap for how we are implementing this incredible conservation initiative in California. With that amazing introduction, I will hand it over to her to start and I will fill in when we get to the ocean part.

Dr. Norris presented the following: Thanks, Jenn, we had a deal that she was not going to embarrass me, and she did it anyway. Thank you all for having us here. I really appreciate the opportunity to talk about California's 30x30 initiative. It is a little hard to follow a conversation about sea level rise. But I hope maybe we can end the meeting on a hopeful note because 30x30 really is our opportunity to think proactively about how we protect the natural world that we all cherish and hopefully make ourselves more resilient in the future.

California committed to conserve 30 percent of our lands and coastal waters as part of Governor Newsom's executive order on nature-based solutions. This executive order actually has many, many moving parts. It really seeks to elevate the role of nature in the fight against climate change, both in sequestering carbon and building our resilience to the effects of climate change. It includes all kinds of elements like promoting healthy soils, making our forests healthier, working on science needs to really advance this work. But 30x30, I think because it is catchy, you do not have to remember very many letters or numbers. It has really stuck in people's minds.

At the same time, it is part of an international movement, but California was really leading in that we first to make this big commitment in terms of large economies. But last December 190 countries around the world actually made a similar commitment as part of the Global Biodiversity Framework and meeting hosted by the UN. So, we are super proud to be on the leading edge of this.

As part of that executive order the Resources Agency was directed to figure out where we are and how we will get there. Over the course of a year-plus, which seems like a long time ago but at the time it felt like 20 years crammed into one. We did 17 workshops around the state, all over Zoom during COVID, which was a blessing and a curse, but I think mostly a blessing because we were really able to reach a lot of people. About 4,000 people participated in our meetings.

And they came in lots of forms. We had workshops. We had expert panels. We had online questionnaires. We also met with over 70 California Native American tribes. Put out our draft, got feedback.

And all of that is to say that really the strategy that we landed on I think really reflects California's conservation vision and it is really the result of a lot of incredible feedback across the state. I call it a crowd-sourced document.

The next slide is just a cover; we released it about a year ago. Spoiler alert, we are getting ready to share our annual report in coming weeks, so keep an eye out for that. Jenn and I are going to walk you through what is in this *Pathways to 30x30* strategy and how this frames up how we are working to achieve 30x30 across the state.

The executive order directed us to, and we outline in this document, the key objectives for achieving, for why we are doing 30x30 in the first place. Fundamentally, 30x30 is about protecting and restoring biodiversity across the globe and in California.

But we know that when we protect places, we can also expand access to nature. As the COVID 19 pandemic showed a lot of us, many people do not have access to nature close to their homes and it is really important to health and wellbeing. So, let's use 30x30 to advance that objective.

At the same time, as I said, lands do sequester carbon when they are healthy and not on fire. They are actually holding on to carbon for us. At the same time places like restored wetlands, you think about coastal wetlands in particular, they can really be buffers against all kinds of climate impacts. We want to drive on these objectives as we are conserving places.

While we do this work, we are underpinned by several core commitments.

The first is to advance justice, equity, diversity and inclusion. This does not just mean advancing access equitably. It also means planning decisions about conservation should include voices that are not traditionally part of the conversation.

At the same time, we really want to strengthen tribal partnerships. This means working with our tribal partners, meaningful consultation when we do work in their homelands, but also looking for opportunities to give land back or develop co-management opportunities with tribes.

At the same time, we want to demonstrate that you can be an economic powerhouse. You can have a clean energy future and supply food to the world and have conservation. California is really showing that you can do both effectively so that is part of how we think about our work.

When you want to count to a number you actually have to know what you are counting. This is actually the hardest part of our work. I will say countries around the world are really grappling with this question at its core. What does it mean to conserve a place? Again, got lots of feedback on this one sentence and it actually has three pages in the document to unpack it, but it is:

“Land and coastal water areas that are **durably** protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support.”

I highlighted, durable, because durability is really a core value of conservation. There are lots of great things that happen on the landscape, but we want them to be there more or less permanently and for the focus to be about functional, healthy ecosystems.

On land, 24 percent of California's lands actually already meet this definition, and this reflects the incredible history of conservation in California.

You can probably see a lot of our big national parks on this slide; but also many different conservation areas across the state from things you would normally think of like wildlife refuges and wilderness areas. But also, regional recreation spaces like East Bay Regional Parks comes to mind. At the same time, many of our working lands actually meet this definition. There are a really large number of conservation easements across the state that support sustainable agricultural practices like grazing and sustainable forest management and those meet our definition as well.

We emphasize in our document that all conservation, even if it does not meet this definition, is really important. You do not want to protect 30 percent and have the other 70 percent be inhospitable to biodiversity. All conservation action is really valuable, but we are setting a pretty high standard for what we want to see as we count toward this number.

I will turn it over to Jenn to talk about the next slide, which is about conservation of coastal waters.

Commissioner Eckerle continued: The Ocean Protection Council is leading 30x30 implementation for coastal waters. We have four strategies that are outlined here on this slide that we are using to reach that 30 percent goal.

The first is our really incredible network of marine protected areas. Those protected areas cover 16 percent of state waters. We have determined that our Marine Protected Areas (MPAs) meet the definition of conservation because they are durably protected and they were established to provide ecosystem level benefits.

We know from our ongoing management and monitoring as well as the first ever decadal management review that was just released in January that these places are providing benefits for ocean health.

Adaptively managing our MPA network is part of our requirement to meet the goals of the Marine Life Protection Act and is also a component of us achieving 30x30.

That being said, any changes to our MPA network will happen through the adaptive management process with the Fish and Game Commission and the Department of Fish and Wildlife.

Those decisions will be made based on need and a strong foundation of science. That effort is underway right now and the Department and the Commission are working through establishing a science-based framework and criteria for how we are going to make decisions to adaptively manage the network.

Our second strategy is centered around to potentially increase or strengthen biodiversity protections in National Marine Sanctuaries. We know we have got four National Marine Sanctuaries in California, three of which overlap with state waters covering about 41 percent.

We know these places were created to protect really important natural and cultural resources and that they do provide conservation benefits.

But each of our sanctuaries in California have different designations and prohibitions and regulations so we have some work to do to better understand whether the prohibitions within our existing sanctuaries are substantial enough to meet that conservation definition.

We are working really closely with our federal partners to look at that piece and really exciting work happening now with the Greater Farallones National Marine Sanctuary. They are in the process of updating their management plan. As part of that they are evaluating their existing management structure, the threats that are facing the resources within the Sanctuary, doing a vulnerability assessment of those important resources, and then they are going to use that to inform how to strengthen protections within the Sanctuary.

We are just really partnering closely with them trying to find opportunities to align that federal process with the state's 30x30 Initiative and we are really excited to be doing that work with them.

The third strategy is looking for opportunities to create Indigenous Marine Stewardship Areas. These would be places that we can increase and enhance tribal stewardship of our coast and ocean. We are having initial conversations with tribal governments and leaders to determine the next steps on that component.

Finally, we are looking at this really wonky term called the Importance of Other Effective Conservation Measures. These are potentially places in the ocean that might be providing conservation benefit but were not established for that express purpose.

This might be places where you have military closures. It might be existing fisheries management measures. What we are doing now is going through and doing an inventory of all of the spatial management measures along the coast. And we need to do the same thing for San Francisco Bay, to understand what we have out there now and then begin a scientific evaluation to determine whether those spatial management measures are meeting this definition of conserve.

With that I think I will turn it back over to Jen for the next slide.

Dr. Norris continued: Actually, do not change slides just yet. I just want to say one funky thing about our Maps and I can talk about this more later as well. One of the fun things about counting is you have to know what you are counting and you have to have a way to count.

We relied on California's Protected Area Database for our underlying data that we then evaluated for how different things would meet our definition. You see there GAP 1 and GAP 2 referenced. That GAP, I do not even know what it stands for. It essentially is levels of protection, there are four codes. So, 4 is a public area but it is open space. It is like a golf course maybe. And GAP 1 is the highest level of protection. These are all publicly-owned lands throughout California.

But one funky thing, the legacy of this mapping system is that the San Francisco Bay is actually counted as part of land. The coastal waters start at the Golden Gate. All the coastal waters we are counting are along the coast, that three miles out, and then the Bay is on the land side. When you go play with Maps, which I am going to show you in a minute, you will see that. But at the end of the day, we are just trying to advance conservation and we recognize that that is just a quirk of the data systems we are dealing with. Anyway, I wanted to flag that for you.

So, Jenn went through a lot of the work that she is thinking about on the coastal side. Our *Pathways* document lays out 10 concurrent strategies that we can pursue to help us get more acres.

So, 24 percent means we have about 6 million acres to go by 2030 and we have about a half million acres on coastal waters, so 6 million on land, 500,000 in coastal waters.

The first Pathway is about regionally led conservation. I am emphasizing that. I will not go through all 10 of these because they are things that probably look familiar to you all.

But the real emphasis on 30x30 for the state is that we want to accelerate the good work that already happens and we want to support regionally-led efforts. Conservation does not happen at the state level. It happens locally with groups coming together, identifying where they want to do conservation, what are the important places to protect, where will development happen. Land use planning in California is locally driven.

So regionally led conservation is really at the core of all of what we do. We want to really support efforts to do smart, strategic conservation. Our mapping systems are helping with that, and I will show those in a second.

We have things that you would expect, acquisitions and easements.

Enhancing conservation of existing public lands and coastal waters. Jenn was just talking about marine sanctuaries. We are talking about how we can work with our federal partners to improve conservation on BLM and forest lands.

We really want to use mitigation smartly across the state.

We need to do a lot more restoration.

Need to work better across governments.

Think about how we use our money. There is a lot of good federal money right now. How do we make sure we are using that in smart and strategic ways.

We want to advance and promote complementary conservation measures, which are really the things that do not quote/unquote, count for 30x30 but really support our objectives more broadly.

And then, of course, we want to check and see if what we are doing is working and then adaptively manage as we go.

As part of our Pathways development, we actually also created a partner platform called CA Nature Geographic Information System. I really want to encourage you to go check out our website and play with this system. I think a lot of people read the report and do not go check out the GIS, which is a lot of fun. The top right is our Conserved Areas Explorer and there you can really type in any address and see where there are conserved areas around you. That is really valuable for thinking about connecting up properties or making large, interconnected landscapes.

And then the other three layers that we have created, one on the bottom right is represented, is the Biodiversity Explorer, which shows all the biodiversity factors across the state, whether they are important aquatic species, rare plants, biodiversity hotspots, opportunities for wildlife crossings, et cetera.

On the top left, looking at my screen, we have an area of a Climate Change Explorer where you can see future projections for temperature and sea level rise and precipitation. So that is really valuable if you are thinking about where you want to do conservation. You want it to be there 20 years from now and having some of the same characteristics if possible.

And then bottom left, and we are still building out this layer, is our Access Explorer, which allows us to look at those existing conserved areas and see whether or not they are open to the public and how those align with population centers, particularly our underserved communities.

I really encourage you to check that out. I will give you the website at the end. It is very user friendly.

I mentioned regional conservation. What I should say too is 30x30 is voluntary. It is something we want to do in partnership. We really see everyone who is working on conservation in California as part of our 30x30 Initiative. People are helping us get 30x30 conservation areas all the time, whether they know it or not.

We have developed something we call the 30x30 Partnership; encourage you to participate. We do both regular online workshops. We go meet with regional workgroups around the state, and we have an annual gathering where we share best practices, lessons learned, success stories. Hopefully you all see yourself somewhere in this.

The bubble diagram represents that we are capitalizing on some existing organizations. The Biodiversity Council has actually been around forever. It is a state, federal, local government partnership working on biodiversity forever. It has been around since the 1990s.

The Biodiversity Network is a coalition of practitioners and experts that are mostly working on science related to biodiversity across the state.

We, of course, have many important tribal partners and we are going to be working with them as a state but also bringing them into the partnership broadly.

The Ocean Protection Council is an existing organization that is helping us advance 30x30 along the coast.

And then, of course, there are many, many regional workgroups and coalitions. Together Bay Area is a great example of a group that brings together other organizations around things like conservation planning.

We are really trying to use these existing. We do not want to create something new, but we want to bring this broader network together. And in the center, you see we have a Coordinating Committee.

Just to share, this year's Coordinating Committee represents people from all over the state and a variety of organizations with the idea that these folks will help us bring more people into the partnership, particularly those that may have been left out or are less than aware of what we are doing but want to be part of the work. Really excited about this Committee, it is a great group of people. Been really helpful at getting the word out and figuring out how to engage with the broader public.

Jenn can say more about how they are working on the coastal side, the salty side, as I like to say.

Commissioner Eckerle continued: On the land side it really lends itself to a decentralized approach, as Jen was just describing. But the ocean and the coast, the ocean belongs to all of us. It is a public trust resource and it really better lends itself to a more centralized approach. So that is why the Ocean Protection Council is playing this facilitating and convening role, to be the hub of the wheel in bringing all of the respective interests to the table and making sure that we are sharing information and ways to get involved.

We are doing a lot of state agency collaborations to make sure that this work is complementary and not contradictory to the work and the priorities of our sister agencies.

We will be initiating listening sessions and formal government-to-government consultation with tribes.

We are doing lots of stakeholder engagement. We have done a series of virtual webinars both on the overall approach and then deep dives into each of those four strategies I described. We are talking about potentially doing some in-person regional listening sessions or workshops this summer into the fall. The goal is really to make sure that we are reflecting the breadth of perspectives and priorities and values of Californians in the work that we are doing, as Jen described.

And then the other piece that we have going on is really making sure that we are filling data gaps and key research needs to help us make decisions and inform this work. In the *Pathways* document there is an Appendix E that really describes the key data needs and research gaps to advance this work. The Ocean Protection Council is going to be prioritizing those near-term critical investments and moving those investments in science along.

Dr. Norris added: I just want to encourage you all to please do check out our website. If you are interested at all in getting on our mailing list, we will not bombard you, but we do send out newsletters, and we have regular, as I said, regular workshops. It is also a place where there is a lot more information.

This was a really high-level overview, but we have a bunch of really valuable appendices, one of which dives into regional priorities. So there is a Bay Area section, but also research needs and existing conservation plans. There is a lot of good stuff there. With that I think we can stop sharing and see if there are questions. Thanks for your attention, appreciate it.

Chair Wasserman acknowledged: Thank you both very much.

Reylina, do we have any public speakers in the room or remotely?

Ms. Ruiz replied: No public comment in the room and two online.

Chair Wasserman continued: Let's recognize the first one.

Mr. Feinstein commented: I am Arthur Feinstein; I chair the Sierra Club's Committee that works on sea level rise in the Bay Area. And also attended a lot of the 30x30 meetings last year and many of us noticed that San Francisco Bay sort of became San Francisco land, as Secretary Norris mentioned.

And it makes it very awkward because if you just think about the sea creatures like whales that we are seeing in San Francisco Bay now, and yet OPC considers us not, although I understand from what we have heard today that they are going to be doing studies about the needs for San Francisco Bay.

But the importance of that is you do not have OPC or somebody looking at coastal waters, which San Francisco Bay is part of, as that category of coastal waters that is directly itemized in the 30x30 schedule, right? There is land and coast, and we are in between in sort of no man's land.

It makes it harder to look for funding through the 30x30 category because what category do we fit into? So, I am just hoping that that could be resolved. Maybe this new study helps bring the Bay into a more coastal perspective since as an estuary we truly are partly coast.

The other thing I wanted to talk about, well, one more comment, which is 30x30 also I think used to, at least last year, direct some dollars towards achieving 30x30. I am thinking that as we talk about the funding necessary from the last agenda item you had, 30x30 should be partnered in for how we are looking for money. And maybe you already did that in your state funding, but it was not clear if that was one of the entities that you considered.

And then I just quickly wanted to talk about, managed retreat, which is an unfortunate term. But even aside from that, in the Bay Area we do have, especially in the North Bay but even in the Central Bay and South Bay, parcels of land where you are not forcing people out but where you have the opportunity for wetlands to move inland and migrate, so, wetland migration, is another term that is used.

In terms of 30x30 again, we are talking about lands that 30x30 might look at as ideal acquisition areas. And just to remind everybody of context, San Francisco Bay has over 75 percent of all the tidal wetlands in the state. And if you think about how important tidal marshes are to our product ecosystem, we really need to keep those tidal marshes alive.

And so, acquiring those uplands next to existing tidal marshes gives us a great opportunity to let these tidal marshes exist into and through sea level rise. Thank you.

Ms. Dev was recognized: Thank you. This is Gita Dev. I am with Sierra Club. I want to follow on to some things that Arthur Feinstein just spoke about. And that is that, and I think even BCDC staff pointed out earlier this morning that with sea level rise affecting California, though we are a very small part of the California coastline, we do consider ourselves part of the coastline, we do expect to have two-thirds of the impacts of sea level rise right here in San Francisco Bay. So, the anomaly of whether we are water or whether we are land is really a critical issue that I think BCDC could really be an instrument for addressing.

The issue on the 30x30 that I really wanted to bring up was the idea that as we look at a regional strategy for resilience to sea level rise, could we consider that as a single, large project that could be a 30x30 project so that it could be seen as a project in its entirety as a way of conserving a large portion of, I am not sure whether it is water or land in this case, and how exactly the metrics might be to calculate that. But if it could be seen as a single project, I think it could be an enormous benefit to California and to the world as it is, in fact, a flyway of international importance. Thank you.

Mr. Coleman addressed the Commission: Good afternoon, this is John Coleman from the Bay Planning Coalition. I enjoyed the presentation a great deal.

One question that was not asked or I missed it. When designating these areas, which need to be designated for climate change and protection of the lands, are we going to be looking at carbon strategy in terms of capture of carbon?

Because that clearly was, I think, in the governor's desire, and certain lands can certainly do that. They are talking about in the Delta a huge amount of carbon capture in wetlands. I would hope that this is part of the component of looking at these lands and what to save and protect. That carbon capture is one of them to help on greenhouse gas reduction. Thank you.

Ms. Ruiz announced: No further public comment.

Chair Wasserman acknowledged: Before I recognize anybody, just a small correction for the record related to a comment by the second to last speaker, Gita Dev. As I think everybody on the dais knows, and remotely, San Francisco Bay represents one-third of the California coastline. Two-thirds of the damage, one-third of the space. So, it is not that we are a small part of it.

Commissioner Pemberton stated: Thank you for the presentation; I really appreciate the briefing on that 30x30 Program.

I just have a question as we move toward 2030. What will be the ways that there will be reporting out or updates on our progress in meeting those goals, especially as we move into 2027, 2028, 2029 and so forth?

Dr. Norris explained: Commissioner Pemberton, we are getting ready to release our Annual Progress Report and we will be issuing those annually. There was actually legislation last year that required the Resources Agency to put out a progress report; we were going to do it anyway. But we will be doing so and reporting on not only acres conserved but also where they are across the state, which ecosystems they are in, that sort of thing, whether they are acquisitions or easements.

And I have a bunch of other things I would love to address if that's okay to the Chair that were raised on the questions.

Chair Wasserman assented: Sure.

Dr. Norris continued: Great. So glad people brought up funding. Just broadly I just want to explain, as I said, there is so much to unpack in this program it is hard to know what people will ask.

When we developed our strategy, we asked everyone what programs are really effective at delivering conservation in California. We did not want to create a special 30x30 Office because we have a short amount of time to achieve this goal, right. Our interest is in using those pathways to achieve 30x30 that are already in existence and are already effective.

All the funding for 30x30, there was a nature-based solutions set-aside in the budget last year and the year before, and it was about \$1.4 billion over two years. The first year was close to \$700,000 that support a variety of programs that are going to help us achieve 30x30. So that includes money to the Wildlife Conservation Board, the Department of Fish and Wildlife and our conservancies.

At the same time there is also funding for the Coastal Conservancy that is going to help with a lot of the same in the coastal zone, acquisitions, easements, access. So those funding sources, they are all the same ones that everybody has used up to now to achieve the conservation we have.

The mapping, it is too much detail to go into. But when those places are mapped they then receive a code based on how much conservation they have. And then we assess our 30x30 progress based on how many different properties come in.

So, there is not a special clipboard or checkmark where we say that is a 30x30 project and that is not. Places get conserved. They are funneled into this database in the traditional way that they always have been. But we are actually developing toolkits so that people can really make sure that their stuff gets in in the right way.

To that point I do not know if, Commissioner Eckerle, you want to say anything about the Bay. But I will say restoration in the Bay will continue regardless through all those existing funding sources. The challenge we have is just which side of the ledger they get counted on, but they all count. Maybe you could say more, Jenn.

Commissioner Eckerle asked: Chair, would it be okay for me to answer some of the other questions?

Chair Wasserman answered in the affirmative: Yes.

Commissioner Eckerle continued: Thank you. I just want to respond to Arthur's comment. The Bay is not no man's land. It is part of the Ocean Protection Council's portion and portfolio. There was a line that was drawn in the process of developing the *Pathways* document as Jen shared, but that does not mean it is not getting any attention.

I consider it part of the coast and ocean implementation of this initiative and it will be folded in accordingly. I just wanted to make that abundantly clear. If there are questions or concerns or you want to be involved, please do reach out to me.

Chair Wasserman acknowledged and noted: Thank you. I do not see any more hands. Thank you very, very much for the presentation and the work.

11. Briefing on Strategic Plan. Chair Wasserman announced: That brings us to Item 11, a briefing on the status of our Strategic Plan, which will be done by our Executive Director.

Executive Director Goldzband stated: Which should not take more than just a couple of minutes.

You will remember that a few months ago the Commission approved, essentially provisionally, the Draft Strategic Plan but we gave Commissioners a few weeks to get us their wordsmithing, which thankfully four or five did. We then turned that around. At the same time, we worked internally with a number of staff members, managers and line staff to create an Action Plan.

I am here today to tell you that we do indeed have a Final Strategic Plan with one more thing to wordsmith, which is just essentially a switch of words; and we have a Final Action Plan. And the way the Action Plan works is that each senior staff member will be responsible for one of the goals and our Environmental Justice Manager will be responsible for goal three, which is the EJ goal.

Each of the goals has a set of objectives, as you know, and three different strategies to implement them. And so, we will be working and reporting back to you every few months on where we are at.

It does not mean that we are going to do a full-on briefing on the Strategic Plan every three or four months so that you can make sure that you are not here during that time, but instead, we will simply do the highlights and we will make sure that we answer questions.

I am also very pleased that the Natural Resources Agency developed its plan and key objectives and there is just a whole heck of a lot of alignment, which makes me and the staff very happy.

In addition, at the Directors' meeting in the middle of March, the Resources Agency distributed a briefing on how to operationalize equity, which is also going to be very, very useful for us as we implement goal three.

I just wanted to bring you up to date and that is really all I wanted to tell you. You can look forward to a briefing later this summer which will be the first one and we will do our highlight package then.

Chair Wasserman asked: Any questions for the Executive Director on that report? (No questions were voiced)

Thank you.

12. Commission Consideration of BCDC's 2021 Annual Report. Item 12 was postponed.

13. Briefing on Enforcement Program. Chair Wasserman announced: That brings us to Item 13, a briefing on the Commission Enforcement Program. Matthew Trujillo will provide the briefing.

Enforcement Policy Manager Trujillo presented the following: Good afternoon, Commissioners, and greetings to the members of the public who are in attendance today. Thank you all for your interest and concern in the activities of the BCDC Enforcement Program. Its dedicated staff works every day to protect the precious resources of the Bay, preserve the public access to the Bay and the shoreline and to hold violators to account for their actions. My name is Matthew Trujillo and I am the Enforcement Program Manager since March of last year.

Today I am going to report on the Enforcement Program's activities during the first quarter of the year from January 1 to the last day of March. This presentation will cover reports on the number of new cases received in Q1 2023, the number of case files closed, the number of formal enforcement actions taken by the Enforcement Committee and the Commission that quarter, the amount of penalties or fines collected from enforcement activities and deposited into the Bay Fill Cleanup and Abatement Fund, and a preview of pending matters that we will be working on for the rest of Q2.

Starting with new cases received: Between January 1 and March 31 we received 15 new reports through our online violation report form, which we internally call the ERF or ERFs in its plural, standing for Enforcement Report Form. Here I have divided them by type of violator.

Starting with the largest slice of the pie, 9 cases where the alleged violator is a commercial entity such as a business or other commercial-scale private landowner, not a single-family residence owner.

We received 4 cases where the alleged violator is a public entity such as a city or town and 2 cases where the alleged violator is the owner of a single-family residence within the Commission's jurisdiction.

In the pie chart on the right the respondent types are color-coded and the figures in the sections of the pie report on the raw numbers of cases received, followed by the percentage of the total new cases out of 15.

This slide reports on the number of case files that we closed in the first quarter. This number is unusually high at 111 because the vast majority of those file closures, which are 82, reflect a onetime cleanup of our database wherein I closed the enforcement case files for 77 Commission Cease and Desist Orders issued between 1988 and 2023, ostensibly requiring compliance monitoring and referred them to our new Compliance Unit for continued monitoring.

I also discovered the records of five expired Executive Director-issued Cease and Desist Orders from between 1994 and 2016 and closed those files as well, due to the fact that Executive Director Cease and Desist Orders (EDOs) have an effective life of only 90 days to begin with and it is improper that the records remain unclosed for many years or decades after they expire.

Out of the total 111 case files closed in Q1, an impressive 30 active enforcement cases were resolved. This is illustrated by the chart on the right. Of the number of active cases we closed, that is non-expired, just bold, cleanup cases, broken out by the years in which the cases were first opened.

Starting on the far left you see 2002 and it goes all the way to 2023. The majority of these cases, 22 out of 30, were closed pursuant to the reinvigorated enforcement case management procedures that we apply to every case opened since 2020, while the remaining 8 cases were from the list of our most aged cases in the queue.

This indicates that our new processes continue to enable us to address new cases in a timely manner while we also continue to systematically chip away at the historic backlog of cases that once numbered in the high two hundreds.

In Q1 we were also able to resolve a case of significant harm to the resources with the March 6 issuance of a Cease and Desist Order and Civil Penalty Order against the Family Duck Club in the Primary Management Area of the Suisun Marsh.

In doing so we were able to resolve unauthorized activities involving significant change of use, filling up the Bay and unauthorized new development at the site, while imposing significant penalties for the activities in the amount of \$215,630, for which the first of three payments was due on April 30 and I believe it was submitted on time. Incidentally, monitoring for this case, compliance for this case has been referred to the Compliance Unit.

During Q1 your Enforcement Program collected \$64,210 in penalties for deposit into the Bay Fill Cleanup and Abatement Fund. The bulk of these monies were collected from the Commission Order issued to the city of Benicia and the residents of the John's Place Housing Development in Benicia at the end of last year that resolved our oldest case in the queue.

Adrienne Klein of your staff is currently lending some of her time to the Compliance Unit to assist with the order compliance on this matter.

Finally, as per usual, I will end my report with a preview of upcoming issues that we are working on this quarter, Q2, which extends from April through the end of June.

First, we are still short-staffed on the Enforcement Team, having lost one of our number to the new Compliance Unit last November and having been unable to fill the position since then due to a lack of qualified applications.

We have a formal enforcement case pending a hearing by the Enforcement Committee. It was originally thought that we could take it forward in April. We had to actually push it to May so we are currently going to take it on May 30 and hopefully it will go in front of this Commission in June.

Finally, I am proud to report that our active case count is down to 80 at last count, which is very encouraging progress from its high of 287 in 2019 when the plan for our reinvigorated enforcement program was put into effect.

In conclusion, thanks to the hard work and dedication of your Enforcement staff, including and especially Adrienne Klein, Rachel Cohen, with critical support from Margie Malan and Brent Plater and under the direction of Greg and Larry we are working through and around challenges and delivering on your expectations with regard to case management, case resolution, accountability, and fair and equitable, robust enforcement.

This concludes my report, and I will be happy to take any questions or comments from the Commission at this time.

Chair Wasserman acknowledged and asked: Thank you for the report. Thank you for the good work.

Any questions? Commissioner Nelson has a question.

Commissioner Nelson spoke: Just a comment, actually, and that is it is hugely encouraging to see the decline in active cases. We had this discussion several years ago that if the Commission was seen as not having an effective Enforcement Program, we can wind up with more violators and more cases, and that if we are seen as having an effective program we will see less. It is really nice to see that the theory may be correct, that if you are better at enforcement, you have less enforcement to do.

Chair Wasserman agreed: I would support that, as well as note that I think having the compliance officers helps tremendously. I do not know how much it has helped so far, you may have covered that when I had to step out of the room, I am sorry, but it is there.

Do we have any public comment?

Ms. Ruiz replied: No public comment.

Chair Wasserman continued: Thank you. I can now come back. The Executive Director would like to make a comment.

Executive Director Goldzband stated: I want to thank Commissioner Nelson for that. The work that was started by Priscilla and Karen and carried on by Matthew and Brent and the whole Enforcement Team has been absolutely tremendous. The fact that we are down to 80 active cases is pretty remarkable.

One thing that Matthew did not expound upon this time, which I think you did previously, Matthew, are the age-old cases that you have been working through and that are the hardest ones because they are so old. I do not remember how many there are left. I want to say there is one left, but I may be wrong. Is that right?

Mr. Trujillo stated: I believe you are right. I think there is just one left.

Executive Director Goldzband continued: That is the ancient caseload, as opposed to the old caseload, as opposed to the current caseload, is how I think about it.

The fact that we have been able to get through this demonstrates that if you have an organized system with a committed Commission, you can do these things. I think that of all the things that we have done over the past 10 or 11 years, I think that the Commission can really be just as proud of its new, updated efficient Enforcement Program as anything else. I just cannot stress that enough.

Chair Wasserman asked: Any other comments or questions? I do not see any.

Mr. Trujillo added: If I may, just full disclosure, I think I miscounted. I think we actually have two of the oldest cases left.

Chair Wasserman acknowledged: Thank you.

All right. That completes this matter. No action is required.

14. Adjournment. Upon motion by Commissioner Nelson, seconded by Commissioner Eklund, the Commission meeting was adjourned at 3:50 p.m.