

San Francisco Bay Conservation and Development Commission

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MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Sierra Peterson, Executive & Commissioner Liaison (415/352-3608; sierra.peterson@bcdc.ca.gov)

SUBJECT: Approved Minutes of February 6, 2025 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:04 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman stated: Good afternoon, all, and welcome once again to our hybrid BCDC commission meeting. My name is Zack Wasserman and I am the Chair of BCDC. I want to thank the Commissioners who have come here to Metro Center as well as the Commissioners who are participating virtually.

Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

2. Roll Call. Present were: Chair Wasserman, Vice Chair Eisen, Commissioners Addiego, Eckerle (represented by Alternate Kimball), Eklund, El-Tawansy (represented by Alternate Ambuehl), Gauthier, Gioia, Gunther, Hasz, Hermosillo, Lee (represented by Alternate Kishimoto), Lucchesi (represented by Alternate Pemberton), Mashburn (represented by Alternate Vasquez, who joined after Roll Call), Moulton-Peters, Ramos (Alternate Manfree was also present), Ranchod, Randolph, Showalter, and Tam (represented by Alternate Gilmore). Jesse Arreguin, appointee of the Senate Rules Committee, was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Burt, Zepeda), Speaker of the Assembly (Ahn), USACE (Beach), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), City and County of San Francisco (VACANT)

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

Commissioner Gioia stated: We have public comment at our public location here in El Cerrito.

Chair Wasserman acknowledged: Go ahead.

Commissioner Gioia continued: All right, so go ahead, Bruce.

Bruce Beyaert commented: Chair Wasserman, Members of the Commission, my name is Bruce Beyaert. I am on the (indiscernible) Board of Directors and the Chair of TRAC, the Trails for Richmond Action Committee.

These two organizations, as well as the cities of Richmond, Albany, Berkeley, West Contra Costa Transportation Commission representing all Western Contra Costa state oppose Caltrans' request to close five miles of the San Francisco Bay Trail across the Richmond-San Rafael Bridge.

Closing this regional multi-use trail four days a week conflicts with BCDC's mandate to provide maximum feasible access to the Bay and the shoreline. It also conflicts with six Bay Plan policies in public access and transportation design finalized in the Staff Report for the January workshop.

For more than five years, the Richmond-San Rafael Bridge Trail has served as a key section of the Bay Trail link in the East Bay, North Bay for active transportation and recreation. Cyclists and pedestrians have enjoyed more than 435,000 trips across the Bridge. For cyclists it is the most popular (indiscernible) Bay Bridge.

On the Bridge, the Trail provides visual access to the Bay. It also provides North Bay residents active transportation access to Richmond's 36 miles of Bay Trail, Lake (indiscernible), 12 national state and local parks. Similarly, North Bay residents and East Bay residents have access to the Starkweather Shoreline Park in San Rafael, China Camp State Park and more.

There is no justification for eliminating this access to the Bay Monday through Thursday. It is feasible to keep the Trail open. Indeed, Caltrans has done an excellent job of maintaining it.

UC Berkeley after its study posted that impact of the number of crashes on the Bridge or the clearance time. Caltrans does not claim it is infeasible to keep the Trail open. Indeed, they have done a very good job to maintain it. But they simply want to close it to study the role of a shoulder narrower than that existed for the case before the Trail opened. There is no justification for closing this Trail.

Keep in mind there are 40 incidents on the Bridge during weekday (indiscernible). Closing the Trail four days a week to study the role of (indiscernible) occurring only once for a week or two makes no sense, especially when conversion of the shoulder to the Trailhead has no significant effects on the number of crashes or crash clearance times.

And UC Berkeley has yet to collect and analyze the one and a half years of data already occurred during the last two and a half years.

So, when you meet next month, please deny Caltrans' request to close the Richmond-San Rafael Bridge Trail.

Warren Wells spoke: Thank you so much. Chair Wasserman, Members of the Commission. My name is Warren Wells, I am the Policy and Planning Director for the Marin County Bicycle Coalition. I am speaking today both in my professional role with the Bike Coalition as well as my personal capacity as a Richmond-San Rafael Bridge bicycle commuter. I am a resident of the East Bay who took a job in Marin four years ago last week because I knew I could reach Marin without relying on a car. If I had been offered that job just a year earlier, I wouldn't have taken it.

Like me, many people have made changes to their lifestyle because of the existence of the multi-use path on the Bridge, which opened in November of 2019. People commute into San Francisco from the East Bay, you know, once a week. People have purchased e-bikes so they might otherwise not have. Residents of both sides of the Bridge have explored, visited places they might never have seen without the path. This is the power of giving people alternatives, in this case, building a biking and walking route where none existed prior.

Under the proposal presented by MTC at this body's January 16 meeting, that option would be foreclosed to many. Since the path's opening as Mr. Beyaert mentioned, there have been approaching half a million crossings by foot or by bike.

MTC's proposal would close the path when roughly 40% of trips have occurred. MTC's plan, as I mentioned, would curtail bike pedestrian access four days a week to potentially improve traffic on the periodic days when a collision occurs on the Bridge in which a vehicle is able to move itself to the shoulder. And so, this is what we are, what we have is a clear cost for a very uncertain gain.

And while MTC has its role and its goals around reducing traffic, I urge this body to keep its eye on one of its foundational goals, namely, providing maximum feasible public access to the San Francisco Bay.

I worry that approving such a plan would set a dangerous precedent. What other segments of the San Francisco Bay Trail would we be willing to give up in service of easing traffic? If that is where we decide to go, that would fill me with deep concern about our ability as a Bay Area to achieve our proposed greenhouse gas emissions and noble and far-reaching public access goals. Thank you so much for your time and consideration.

Chair Wasserman continued to the Report of the Chair.

4. Report of the Chair. Chair Wasserman reported on the following: That brings us to Item 4, my report.

A. Richmond-San Rafael Bridge: I want to start by thanking the Commissioners who attended our workshop on the proposal to change the public access that now exists on the Richmond-San Rafael Bridge. It was a very useful exercise and informative; I have heard that from various Commissioners.

I do want to let you know that while we will not have a Commission meeting on February 20, staff is planning to bring the proposal for the Bridge proposed by Caltrans and BATA to the Commission in March for a decision. I am sure we will receive an update from our executive director next week on the specific timing of the public hearing and vote.

B. New Commissioners: This is a time of change. Some good, some not good. So, I want to start by turning the floor over to Commissioner Ranchod, who has an announcement. After he makes it, I will make a couple of remarks.

Commissioner Ranchod announced: Thanks, Zack. I want to let folks know I am actually going to be stepping off of the Commission, and so this may be my last meeting with you in fact. I am stepping off to take a position with the state. I am actually going to serve as the new Chief Counsel for the California Energy Commission beginning later next month.

So, wanted to let folks know about that transition. It has been a real privilege to serve on BCDC with so many thoughtful and wise and collaborative Commissioners, everyone bringing a different perspective that really has enhanced our work and our decision-making. And, of course, our fantastic staff support in all of this.

I have served for a few years on the Commission and really enjoyed being part of this evolution of our work to address sea level rise. And pleased to have been able to contribute in a few different ways including on the Enforcement Committee, where we really have developed a more robust enforcement program, in part in response to the recommendations of the State Auditor's Report back in 2019 and with additional resources and it is great to have been part of that development.

And also, I think real improvement and strengthening of our strategic planning and strategic plans that have actually been adopted by the Commission. So just some parting thoughts. And I would be remiss if I didn't also thank my alternate, Barry Nelson, who has attended many meetings on my behalf, contributed through task forces and working groups, and the Commission is really fortunate to have had his contributions over these many years.

Chair Wasserman continued: Thank you, Sanjay. You said a few years.

Including Alternate and Regular members it is over 16 years. So, you have given yeoman service to this Commission and have always been a calm and thoughtful presence and an absolutely stalwart member of the Enforcement Committee. You absolutely will be missed, but we wish you well in your exciting new position.

Commissioner Ranchod acknowledged: Thank you.

Chair Wasserman: And thank you for your continued service to the state and the people of the state.

And that brings us to new Commissioners. We have several new Commissioners. First, I am pleased to let you know that the newly elected San Mateo County Supervisor, Lisa Gauthier, is joining us today. She has taken the position of Supervisor Dave Pine here at BCDC. Those are big shoes to fill, but I think you will fill them very well. And if you would like to make a few comments, now is your time.

Commissioner Gauthier spoke: No, I just want to say thank you. I am excited to join the BCDC board. I have done work with the San Francisco Bay Restoration Authority. I am considered the water person here now in the county. So, looking forward to the work and being able to contribute. It is good to see many familiar faces on the screens. Again, just looking forward to continuing the work. Thank you.

Chair Wasserman acknowledged: Thank you very much.

Also with us for her first meeting is Supervisor Rebecca Hermosillo of Sonoma County. She has taken the seat formerly held by retired Supervisor Susan Gorin. And I invite you to introduce yourself.

Commissioner Hermosillo addressed attendees: Good afternoon, thank you. I am excited to be here for our first meeting. Good job having excellent weather. I look forward to taking part, an active part in this Commission. Thank you.

Chair Wasserman continued: Thank you very much. We also have some returning veterans. The Senate Rules Committee has appointed former Berkeley Mayor, former ABAG Chair, and former BCDC Commissioner, Senator Jesse Arreguin, as the Senate's ex-officio representative, and he is here with us virtually. And Jesse, any words from your new perspective?

Commissioner Arreguin commented: Well, good afternoon, Chair Wasserman and Members of the Commission. It is great to be back on BCDC. I will be appointing an alternate, but I hope to participate in meetings as I can. Excited to work in partnership with you to support the important work of BCDC at the State Capitol. I just want to take this opportunity to thank Commissioner Ranchod

for his many years of service and look forward to his ongoing leadership on behalf of the state. Thank you.

Chair Wasserman acknowledged: Thank you.

And Assembly Speaker Rivas has appointed former San Francisco County Supervisor and BCDC Commissioner Catherine Stefani as the Assembly's ex officio representative. She is not with us today, but I assume will be, and we look forward to her repeated participation and contributions to BCDC.

And I also want to recognize that Napa County has appointed Supervisor Amber Manfree as Supervisor Ramos' Alternate, and she is here virtually. If you would like to address us.

Commissioner Manfree commented: Sure, yes, thank you. I am happy to be here as an Alternate. I will drop in whenever I can on meetings. I am excited about the work that BCDC does. I am bringing a science background to this in natural resources management for the past 25 years so I just cannot wait to see what you all get into.

Chair Wasserman acknowledged: Thank you very much. Believe me, we will take you up on your offer.

C. Rising Sea Level Working Group: Two brief reports. We had a meeting this morning of our Rising Sea Level Working Group, focusing on issues where we might want to consider seeking a change in our jurisdiction. Focusing on areas that we currently do not have jurisdiction over, which are or will be impacted by rising sea level.

We had a robust discussion. We will continue the discussion at our next meeting. As I said in introducing the topic at the Rising Sea Level Working Group, many members of this Commission, many members of our stakeholders, have raised this issue. It is an absolutely appropriate one to discuss and review. That does not mean we are going to proceed with anything at this time, that is yet to be decided. The Rising Sea Level Group will consider it for one or maybe two more sessions and then bring it to the Commission for a similar discussion to see whether or not we want to pursue that. There are pros and cons for that issue, which we will get into, but not at this meeting.

D. Bay Area Regional Collaborative: The other brief report is on BARC, the Bay Area Regional Collaborative. We have been undertaking a review, that is BARC itself and a subcommittee that I have been participating on, to review the organizational structure, the mission, purpose and work plan.

I think we are going to come up with something that will help to refocus BARC in a very productive way. I think I will be elected Chair of BARC at its next meeting so we will continue to keep you apprised of that.

And we will be bringing to BCDC as well as the other member agencies probably a slight revision to the memorandum of understanding that is providing the governing document for BARC.

E. Storm: And my last comment, as we wish that everybody is staying as dry as possible, is if this storm is as bad as projected, unfortunately, it will demonstrate some of the flooding. Not per se from rising seas, although that could happen in some areas with this rainfall but demonstrating the importance of the work and indeed the urgency of the work. But we hope people stay safe and dry.

F. Next Meeting: As I noted earlier, our next meeting will occur in four weeks on March 6, we will not be meeting on February 20, and staff will provide the agenda for that.

G. Comments by Commissioner Gunther: And I have one other item, which is not really me, but Commissioner Gunther has asked for a few minutes to address us on some issues that he believes affect us and are of some significant importance.

Commissioner Gunther commented: Thank you, Mister Chairman. After observing the recent events on the national stage, I am reminded of Thomas Jefferson's statement that no nation is permitted to live in ignorance with impunity.

The federal government is now acting with total disregard for scientific reality, and this will impact the Bay Area and will impact BCDC. Just three quick examples.

President Trump adopted executive orders that will, by design, accelerate climate disruption through increasing fossil fuel use and sabotaging the transition to renewable energy. The President seeks to make the market for fossil fuels as big as possible and to lock in oil and gas demand in the long term, which is directly at odds with our goal to protect public health and safety in the Bay Area.

The President also ordered federal agencies to stop using the social cost of carbon when assessing the benefits and costs of their actions. This means that as absurd as it sounds, it is now the federal government's policy to purposefully ignore the costs of climate change and the costs of the adverse health effects associated with fossil fuel combustion when making their decisions. This is as irrational as outlawing antibiotics, seat belts, or fire-safe roofs.

And third, the President, based on the fabricated claims that offshore wind turbines, quote, "kill whales and cause cancer," unquote, is also attempting to destroy the offshore wind power industry in the US, even while 25 US ports governed by people in the real world, are investing in facility upgrades to support this new industry, an industry that generates electricity without burning fossil fuels.

By increasing greenhouse gas emissions, the President's action will make the impact of climate change worse for generations. And for us in the Bay Area, this means greater aridity, increasing the intensity of floods, heat waves and wildfires, and accelerating sea level rise.

And it is critical to note that the President is directly challenging us. He is directly challenging the science-based approach to the public policy that we have treasured and fostered at this agency and more broadly across our region. This approach to public policy lies at the heart of our ability to act rationally, collaboratively and regionally. Science is the joint language of all stakeholders.

So consequently, I intend to defend our science-based approach in order to protect our past accomplishments and to foster successful completion of the vital tasks before us.

I encourage all of you to join me. I beg you to join me by seeking opportunities in your own work to hold the line against Trump's attacks, which, if left unchallenged, will undermine all that we have worked so hard to establish. Thank you for letting me vent, Mr. Chairman.

Chair Wasserman acknowledged: Thank you. The defense of democracy always requires vigilance. There is no question that a number of democratic institutions and laws are under attack. And we need to be vigilant and act according with our own principles and conscience, and not be afraid to stand up and act.

Ex Parte Communications: This is the time for any ex parte disclosures. These are communications you have had outside the public arena over adjudicatory matters that may come before the Commission. You are required to do that in writing, but you may certainly do so verbally now if you wish to do so briefly. Is there anyone who has an ex parte report? I see no hands.

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

Our extended family plays card games or board games when we get together. A favorite is Monopoly. Today, February 6th, is the 90th anniversary of Monopoly's introduction, created by Parker Brothers at the height of the Depression. What you might not know, however, is that Monopoly is based on an earlier board game that was designed by an anti-capitalist feminist named Lizzie Magie over thirty years earlier. Hers was called "The Landlord's Game," and she created it to demonstrate the evils of a monopoly and how monopolists control the wealth in a capitalist economy.

I mention this piece of history today because, when I provide a quick overview of BCDC's fluid budget situation later this afternoon you might be tempted to reach for a card in the "Community Chest" and hope that we avoid

any from the “Chance” pile. And no matter how nice our offices are here at 375 Beale Street we are definitely not working on Broadway or Park Place.

With regard to staffing and budget, I am looking forward to letting you know of our budget situation later and hopefully being able to answer some of your questions.

However, meanwhile, we were very sorry to lose Bella Castrodale, our Enforcement Attorney, last week. Bella took a tremendous job as Deputy General Counsel for The Presidio Trust, so we cannot blame her for that. Greg will be posting a job announcement quickly to get us back up to full strength.

You may have seen the article in yesterday’s *Chronicle* that described the closure of San Francisco State University’s Estuary and Ocean Science Center, commonly known as the Romberg Tiburon Center. Simply put, San Francisco State’s budget shortfall is very real, and we were warned of the possible closure a couple years ago. Since then the Center’s leadership along with that of NOAA’s San Francisco Bay National Estuarine Research Reserve located at China Camp in Marin County, commonly known as the NERR, worked tirelessly to make up the shortfall.

Unfortunately, Kathy Boyer, the Center’s Director, was about a half-million dollars short, and SFSU decided it had no choice but to pull its funding.

Greg Scharff, our General Counsel, has volunteered to represent BCDC on a new Advisory Board created by Matt Ferner, the new Director of the San Francisco Bay NERR. We will keep you updated on the NERR’s workplan and invite Matt to brief the Commission during the next few months to give us a preview of his strategy to keep the NERR moving forward.

A few more brief issues. First, as Chair Wasserman noted, he will be the new Chair if all goes well, of the Bay Area Regional Collaborative. He and a senior group of BARC’s Governing Board are working with the executive directors of MTC/ABAG, the Air District, and me to provide a bit more direction to BARC in collaboration with Allison Brooks, BARC’s Executive Director. We shall brief you all on BARC’s proposed workplan, likely in April, and demonstrate its relationship to the regional issues that our four agencies are pursuing.

You will soon be receiving a note from me informing you and your staff of a meeting with the Ocean Protection Council to discuss its upcoming new Strategic Plan. It will be held here at 375 Beale Street next Wednesday and I will forward the notice to each of you.

Sierra asked me to remind you all that tomorrow she is going to send you all a link to gather all the appropriate info that we need from you about how we contact you, how we work with your assistants, et cetera, as we start this new year. Please be on the lookout for it and reply promptly.

Jessica wants to let you know of what those of you here seen in front of you, which is a nice little magazine.

Ms. Fain spoke: Thank you, Larry. Good afternoon, Commissioners. I just want to draw your attention to this little pamphlet that should be in front of you. This is a printed copy, a zine, of what is called *KneeDeep Times*. *KneeDeep Times* is primarily an online publication focused on telling the story of climate resilience across the Bay Area. It is a great, great news source and I encourage you to sign up for it if you do not get their emails.

Here is a sample of several of the stories that they published over the last year including one on the Regional Shoreline Adaptation Plan. The *KneeDeep Times* is sponsored by the Bay Area Regional Collaborative primarily and we have more copies if you want to take a few home with you, thanks.

Executive Director Goldzband added: And I will send out a link to the *KneeDeep Times* as part of my summary so you all can sign up if you haven't already.

Finally, all of you and many of our staff members have received an email from the Fair Political Practices Commission reminding you of the deadline to file your Form 700. Please do so well before the deadline so that I or Chair Wasserman will not need to perform our annual Joe McCarthy imitation, waving a list of names, albeit factually.

That completes my report, Chair Wasserman, and I am happy to answer any questions.

Chair Wasserman noted: And the deadline for the Form 700 is April 1?

Executive Director Goldzband replied: It is either April 1 or April 2, I do not know if one is on a weekend, but it is right there.

Chair Wasserman stated: The beginning of April.

6. Consent Calendar

a) Approval of Minutes for the January 16, 2025 Meeting

Chair Wasserman reviewed the items on the Consent Calendar and called for public comment.

(No members of the public addressed the Commission.)

Chair Wasserman asked for a motion and a second to adopt the Consent Calendar.

MOTION: Commissioner Eklund moved approval of the Consent Calendar, seconded by Commissioner Ranchod.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ambuehl, Eklund, Gauthier, Gilmore, Gunther, Hasz, Hermosillo, Kishimoto, Kimball, Moulton-Peters, Pemberton, Ramos, Ranchod, Randolph, Showalter, Vasquez, Vice Chair Eisen and Chair Wasserman voting, “YES”, no “NO” votes, and no “ABSTAIN” votes.

7. Commission Consideration of Administrative Matters. Chair Wasserman asked if there were any questions for Regulatory Director Harriet Ross regarding the Administrative Listing.

(No members of the public addressed the Commission.)

(No questions were posed to Ms. Ross.)

8. Public Hearing and Possible Vote on the Treasure Island Marina Replacement Project in the City and County of San Francisco; BCDC Permit Application No. 2023.006.00. Chair Wasserman announced: That brings us to Item 8, a public hearing and possible vote on the Treasure Island Marina Replacement Project in the city and county of San Francisco. We will now have our public hearing. Sam Fielding of our staff will begin the agenda item.

Permit Analyst Fielding presented the following: Thank you, Chair Wasserman, and good afternoon, Commissioners. My name is Sam Fielding, and I am a Permit Analyst with BCDC. Today you are scheduled for a public hearing and possible vote on the Treasure Island Marina Replacement Project, with the Applicant as the Treasure Island Enterprises. I will provide a brief introduction and then turn it over to the Applicants to provide more detail on the project, and then we will close with a presentation of the Staff Recommendation.

The proposed project is located in the city and county of San Francisco in Clipper Cove, which lies between Treasure Island and Yerba Buena Island. Treasure Island is the site of a larger master development project, which was permitted separately by BCDC in 2016. That larger development project is being undergone by the Treasure Island Development Authority, which is a separate entity than the current project applicant. So, although the Marina Project was developed in coordination with that larger project, it is a separate project and is being evaluated separately.

The project involves the removal of the existing deteriorated marina and construction of a new, larger marina. On the image on the screen, the green square represents the approximate area of the existing marina with the proposed marina overlaid on top. To be specific, the existing marina includes 108 slips of an average slip size of approximately 32 feet and includes 100 creosote-treated wooden piles.

The new proposed marina would be 168 slips with an average slip size of approximately 55 feet and would include 138 larger steel piles.

It is worth noting that this current design is the result of a lengthy development process going back well over a decade, and in its initial conception the marina design was 410 slips taking up almost the entire Clipper Cove. This was evaluated in the 2006 CEQA Environmental Impact Report and we will touch a bit more on this reduced size in a minute.

The marina will also include one external side of a dock to be used as transient boating and will also include the authorization for up to 16 live-aboards, which is 10% of the total slips, consistent with BCDC policy.

Finally, the Applicant has indicated that they will perform dredging of Clipper Cove to better facilitate vessel traffic. However, that project component will be applied for at a later date separately and is not being evaluated as part of this current project proposal.

Putting some numbers on this expanded marina, the proposed design represents an expansion of approximately twice the overwater footprint for a total net fill of 36,384 square feet and approximately 225 cubic yards of solid fill, which comes from the larger and more piles as part of the marina.

However, it should also be noted that the new piles will be made out of steel, and the existing piles are creosote-treated wood, therefore their removal represents an improvement of water quality in the Bay.

The entirety of the project will occur within BCDC Bay jurisdiction, with the marina connected to the landside Treasure Island Promenade by three gangways, which will be accessed through gates.

Although this project does represent a significant increase in Bay fill, marinas are consistent with Bay Plan Policies and the McAteer-Petris Act as a water-oriented use.

More on those policies. It has been almost 20 years, I think, since BCDC has evaluated a new marina project so a little bit of review on Bay Plan policies.

First, the Bay Plan includes several maps with designated uses and corresponding policies which carry the same authority as Bay Plan policies. Map 4, Policy 25 corresponds to this location of Clipper Cove, and explicitly states that an expanded marina should be sited at this location, with a stipulation that the beaches and eelgrass beds should be preserved.

Recreation Policy 3 states that:

“Marinas should be allowed at any suitable site on the Bay.”

Here, a suitable site, again as defined by this policy, is one that does not rapidly fill up with sediment, does not contain important subtidal habitats, and is

not needed for other water-oriented priority uses. The policy also requires that water quality and circulation should be adequately protected.

This area of Clipper Cove satisfies all those requirements as a suitable location, as has been evaluated through the submitted materials by the Applicant as part of their application process.

Finally, the policy states that:

“... marinas should include public amenities, such as viewing areas, restrooms, public mooring docks or floats and mortgages for transient recreational boaters, non-motorized small boat launching facilities, public parking; substantial physical and visual access; and maintenance for all facilities.”

Which brings us to the public access component of the project.

In assessing the appropriateness of public access for this project, per BCDC policy, public access should be the maximum extent feasible consistent with the project.

There is a bit of difficulty in finding comparable projects. While BCDC has permitted marinas throughout the Bay, in almost every case, those marinas were developed in conjunction with significant landside components. Therefore, the bulk of public access improvements required for marina projects have been located on land in the form of parks, promenades, paths and viewing areas, which are all infeasible in this current project as the leased area is located entirely within the Bay and is essentially a square around the proposed marina footprint.

Again, all landside components are permitted separately through a separate BCDC permit and a separate permittee. This limited leased area also made the addition of potential pedestrian piers or viewing platforms impractical.

Therefore, the proposed public access improvement for this project takes the form of a publicly accessible approximately 700-foot transient boat dock along the external side of Dock A, which is indicated on this image in red. Depending on the vessel size, this should come to about 10 or so vessels.

The permit would limit stays of transient moorage to a maximum of two consecutive nights to encourage greater turnover and allow for greater access to the Bay by a greater number of people. This stipulation, however, will be reevaluated after one year, which would allow us to assess the demand of the transient dock and whether this restriction is appropriate.

In line with BCDC policies the public access should be broadly accessible. The permit would require the permittee to only charge a nominal fee for the transient boat moorage to cover cost but to not generate any additional profit from the use of this dock.

A little more on that limited area. Again, the size of the proposed marina has been reduced significantly from its initial conception from 410 berths to its current proposed design of 168 berths. This was in large part the result of opposition from existing recreational users of Clipper Cove, including the nearby Treasure Island Sailing Center, which holds educational sailing and competition events.

In fact, during this process evaluating potential marina designs, in 2016 the Sierra Club endorsed a minimal impact design, which at the time was 235 berths. So therefore, the current design of 168 berths is actually a smaller footprint than that minimal impact design that was endorsed by the Sierra Club. Therefore, this reduced size represents an effort made by the Applicant to accommodate existing recreational uses of Clipper Cove and will also ensure that the existing swimming beach located to the south of the marina will not be impacted.

Again, I want to point out that while dredging will occur in Clipper Cove, that is not being considered as part of this current project application and will be applied for separately with the Treasure Island Development Authority as the property owner of Clipper Cove at a later time.

Finally, I briefly mentioned the conditions that would be required to ensure that the project is consistent with Bay Plan policies on fish, wildlife and other aquatic organisms, on water quality, and on subtidal habitats.

The primary concern of impacts would be through noise on fish species, particularly Chinook salmon, steelhead and sturgeon. To mitigate these potential impacts, conditions will be placed on pile installation and removal, on the methods of pile installation using vibratory hammers, would limit the number of piles driven per day.

And would also limit in-water work to be conducted only during the in-water work window for salmonids, which is June 1 through November 30.

Eelgrass is not located at the project site. However, previous surveys have found eelgrass in Clipper Cove along the southern and eastern edges, as shown on the image here on this slide. The applicant will perform a pre-construction and post-construction survey in line with the California Eelgrass Mitigation Policy to ensure that there are no impacts to eelgrass. If it is found that eelgrass has been impacted through construction activities, follow-up surveys, monitoring and potential mitigation would be required.

Finally, Clipper Cove was also the site of a former Navy skeet range; and in 2013 the Navy backfilled that area of the Bay floor to ensure that diving ducks would not ingest lead shot on the Bay floor.

The project has been designed in coordination with the Navy to ensure compliance with all existing land-use restrictions, and the Applicant would also perform surveys to ensure that a two-foot layer of sediment is maintained over that area which overlaps partly with the marina footprint, but not the entire site.

The primary issues raised by this project are its consistency with the McAteer-Petris Act and the San Francisco Bay Plan, including the policy areas listed here. In particular, whether the special conditions of the permit would be appropriate to avoid and minimize adverse impacts to the Bay environment, and whether the proposed public access is the maximum feasible consistent with the project.

I will now turn it over to the Applicants to provide further details on this project.

Mr. Anderson addressed attendees: Thank you. My name is Darius Anderson with Kenwood Investments, and I am the original developer.

I want to correct one thing that Sam said. In February of 1999 TIDA granted us, and we actually won the bid, so it has been over a decade that we have been working on this project.

And I think Sam did a great job at outlining the compromises that we came to the table with, working with the Sailing Center, working with the community and various other interests, both in the city and county of San Francisco.

We have been through many great supervisors. We have been through many great mayors that have all had input into this project. And I wanted to stand up today and say thank you to the BCDC staff, especially Sam and the Director. They have done a fabulous job. We are very happy with the outcome, and we hope in the not-too-distant future, we will be able to invite all of you out to actually see this amazing marina. So, thank you.

My partner, Jay, is going to give a quick overview and actually show you the project.

Mr. Wallace spoke: Hello, Mr. President, Commissioners. My name is Jay Wallace, nice to see all of you. I too want to thank the staff for the fabulous work that they put in to make this all come together. Sam has done an admirable, great job of explaining the project. I can show you some of the images.

What you have here on the cover page is how the marina fits in with the master development. You can see on the left side the images of the taller buildings that are going on at Treasure Island show the master development, off to the right is the marina.

This is what the marina looks like today on a beautiful evening. It is old and tired. The Navy built it more than 70 years ago. It is ready for its next life as the new marina.

This is just a drawing. Sam showed you a pull-out of this drawing. A little closer of the four docks that we have, A, B, C and D. A is the dock to the right that has the transient facility on it. B, C and D are the docks that have between 45, 55, 60, 70 and 80-foot slips on them.

You can see the metrics that are on the bottom of the slide and up to the upper righthand side. Those are the designations that the San Francisco Board of Supervisors placed on us when they approved the lease 11-0 some years ago. That was the compromise. We have lived within the compromise. We have made a marina that makes sense within the compromise, and we are looking forward to building and operating the marina to those specifications.

Sam, I think talked about all of the other items here, the live-aboards and so on.

Again, alignment with the Bay Plan.

The recreation element we focused on extensively. We have done everything that we thought was feasible. Since we have no landside, all of our public amenities are taking place in the waterside, which is the public, the transient dock, the access to the beach at Clipper Cove, the coordination with the master developer on all of the Clipper Cove Promenade activities from utilities, crosswalks, to the like of that nature. We feel that we have done as strong a job as we possibly can to align with the recreation element of the Bay Plan.

Sam showed this picture. This is zoomed out a little bit. You see a little bit more of the open water up in the upper part of the slide. The rectangular box at the bottom is the swim zone that we coordinated with, that has been protected. The red dots at the bottom of the page are the eelgrass demarcation locations. You can see up in the upper portion of the slide that there is an awful lot of open space. This does not even have a chance to show where the sailing center is, which is even further up to the upper righthand side of the slide, but you can see that we lived within the means that we were given, and we have created an extensive open space for recreational boating in Clipper Cove.

We now have all of our permits except for the BCDC permit, so we hope that today is a glorious day for the Treasure Island Marina. We went through the Army Corps, Regional Water Quality Control Board, the NMFS organization. We will be talking to the Dredge Maintenance and Maintenance Organization, DMMO, shortly to get our dredging permit done. But we are well on our way to being able to construct the new marina at Treasure Island.

Here is just another example of how beautiful Treasure Island is and will look when it is completed. Building 1 is the semicircular building in the foreground. You can see the ferry terminal jutting off to the bottom of the right side and the marina situated there at Clipper Cove.

Just another picture of what Treasure Island will be in the future. There's the ferry terminal and our marina in the right.

As I mentioned earlier and Sam mentioned, everything we have done at Treasure Island Marina has been coordinated with the master developer. This uses an idea that there is a tremendous amount of open space and public amenity. The island lookouts, Clipper Cove Terrace, the Promenade, all of which we coordinated extensively with in putting together the marina so that we would have a seamless project between the two projects, our marina and the master development.

This is an image of what the Promenade will look like.

I think the next slide may be the last slide, and that is with a hearty thank you. And again, thank you to Sam and Julie and the staff of BCDC for their excellent work in getting this ready, and we look forward to your approval this afternoon. Thank you.

Chair Wasserman announced: Thank you. We will now open the public hearing. Do Commissioners have any clarifying questions?

Commissioner Gunther asked: Can you operate the marina without the dredging being conducted?

Mr. Wallace replied: The answer is no; we need to do the dredging. The way the system works is that we need to put our application into DMMO, which is the Dredging Maintenance Organization. They would not accept that application until we are done with the BCDC permit. The next step will be to get the DMMO approval for the dredging as we are going through the building permit process with the city and county San Francisco.

Commissioner Gunther continued: So, the issue is not "if" you can get a permit to dredge, it is only "when" - okay.

Mr. Wallace agreed: "When", exactly. Yes, and we will definitely get a permit to dredge. That might be coming next year.

Commissioner Gunther asked: And then my second question is, new marinas, are they kind of like freeway lanes? If you build them, they kind of fill up.

Mr. Wallace explained: There has been a market. There are no new marinas being built in the Bay Area, as Sam mentioned. There is a demand for marinas these days as and boat size has grown a little bit. It is not the same, old, small marinas that it used to be, it is a larger marina, but we will make accommodations as we promised to the Board of Supervisors that the existing marina tenants will have an opportunity to berth at the new marina, even if their boats are not the same size as the new marina slip size are.

Commissioner Gunther acknowledged: Thank you.

Chair Wasserman stated: I do have a question. How long typically is the DMMO process?

Mr. Wallace stated: Six months, six to eight months.

Commissioner Eklund had questions: I have a question of staff. First of all, thank you very much for the great presentation.

I am troubled, though, by the issue of segmenting different permits associated with this development. Help me to understand how we can determine the overall impact of the project without having an analysis of the impacts associated with parts of the plan that have not been permitted yet. I am very troubled by that. Can you help me to understand how we as BCDC can allow the segmenting of this project?

Mr. Fielding fielded this question: Yes, and that is a concern that staff had as well, to be frank. The application came to us with Treasure Island Enterprises as the applicant and their leased area is for that area of Clipper Cove of the marina. In discussions with the Applicant, dredging was described as being future and necessary for vessel traffic, but not necessary for the construction or essential operations of the marina. So that component, with discussions from the Applicant, would have to be involving TIDA as well and would be submitted soon through a separate application and evaluated separately.

Commissioner Eklund noted: Well, we just heard, though, that the dredging is essential for that, the berthing and the use of that marina. Maybe we need to have legal counsel respond to that, I am not exactly sure.

Mr. Fielding replied: Could you maybe speak to why it is essential? My understanding was that the larger marina and larger berths would encourage larger vessels and more vessels, and so dredging would accommodate that greater traffic.

Right now, Clipper Cove is a popular recreational boating area. So, depths of the Cove, while there is sedimentation that has issues for access at the mouth entrance of Clipper Cove, there is facilitated sailing in Clipper Cove.

Commissioner Eklund voiced further concerns: But the actual marina, though, and the dredging will allow bigger vessels. How can we approve the boating area that allows for bigger boats without having an analysis of the impact associated with dredging as well?

Mr. Wallace stated: I can try and address that Madam Commissioner. The area where the boats are stored, if you will, the slip area does not require dredging. What requires dredging is the new channel that allows the larger vessels to exit the Clipper Cove area. So, we are not dredging for the slip area, we are dredging for a dredge channel that will be useful to the general public as well as to the boat slip owners in Clipper Cove itself. Maybe there is a slide that shows that, I do not know if we have that.

Commissioner Eklund clarified her concern: I am concerned about the fact that in order to access where the boats are docked, they have to use that channel to get in and out.

Mr. Wallace agreed: That is correct.

Commissioner Eklund asked: So how can you then bifurcate the impacts of dredging separately in a different permit, when in order to use the berths, they have to use that channel? It is all related.

Mr. Wallace explained pertinent timelines: It is all related, but there is a timing issue that goes in with all of this. We are going to submit our building permit shortly after this approval hearing if that goes well. That will take about a year. During that period of time, we will also be submitting our DMMO application. So, by the time that we start actually constructing the new marina in the June 1 time frame of 2026 already, we will have the DMMO permit to do the dredging, and we will do the dredging at the same time as when we are building the new marina during the June 1 to November 30 construction schedule that is allowed. We will not be building the new marina without the DMMO approval in place because that would be silly to have a marina that was not accessible with the dredged channel.

But because of the DMMO process we determined it was better. They would not have accepted our application until six months before we were ready to actually build and that would be next year, so that is why the timing situation is as it is.

Commissioner Eklund still voiced concerns: But saying that it does not make sense to build the marina until you get the DMMO permit to dredge, then why could not the approval of the marina happen at the same time as the approval of the dredging for BCDC'S perspective? I am very troubled by this phasing part of it.

Mr. Burnam stated: This is Josh. We are a consultant to Treasure Island. I feel like there might be just a little bit of a terminology issue that is throwing us off a little bit here. The marina exists now, and it operates now, and vessels are already berthed in the marina, and they access the marina through the channel.

I think where we might be getting confused is distinguishing capital dredging from maintenance dredging. The dredging that the marina is contemplating would be considered maintenance dredging, like all marinas eventually do at some point on some cyclical nature.

I think maybe where we are getting confused is the marina is going to want to maintenance dredge to maintain its operations, but we are going to be dredging within the same operational boundaries, essentially, of how the marina is already operating. Whether or not a permit is issued today, vessels are going to continue to berth, they are going to continue to transit.

We simply identified that maintenance dredging will be required as it is for any marina. Given that from the moment that BCDC issues a permit, which is going to be a precondition to getting a building permit just given the time it takes to get a building permit and procure materials like concrete and steel it is probably going to be two-plus years until we are actually prepared to dredge. So that is where the timing issue comes in.

You cannot submit to the DMMO for a dredge permit at any time. There is a shelf life of the surveys and there is a shelf life of the sediment characterization. If BCDC were to say to us today, you must go through the DMMO process so that you can dredge in two years, the Applicant would have to do it twice because the data would be considered expired. The survey can only be so many months old; the sediment characterization may only be so many months old.

We are not trying to improperly segment any part of the process. There is just simply a logistical constraint. We take many projects before DMMO for dredging countless times a year. We do not go until we are within about six months of knowing when we are ready to construct for dredging. Because this is maintenance dredging, if we were to go to DMMO they would say this is too early, the data is going to expire, so there is not a way to resolve that phasing issue.

What we have tried to do as best we can, and I can see where the confusion is coming, is simply say, yes, this marina will need to maintenance dredge. All marinas need to maintenance dredge. In the intervening period boats are going to still come and go from the area. But at the appropriate time and once a building permit has been obtained, which requires a BCDC permit, we will go to the DMMO for approval to maintenance dredge. We are not conducting new work dredging.

I hope that helps clarify a little bit. We, unfortunately, just cannot go in the other order because it is not timely for a DMMO application right now.

Commissioner Eklund acknowledged: Right. But I understand that. But I was under the impression, and I could be wrong, that the marina itself was going to allow for bigger vessels. In effect that is a different project, so it is more than just maintenance because you are actually going to have to be dredging more in order to allow the larger vessels there in the marina that you are proposing to develop for.

Mr. Burnham replied: I think I understand your question. I think that was part of the point I was trying to clarify. The channel depths and boundaries as they currently are approved would already accommodate those vessels, so we do not actually need to deepen or widen the channel.

That is where I was using new work versus maintenance. Were we to dredge to the prior approved footprint we could still get those boats in and out. It is a maintenance issue, not a new work issue.

I see where you are going. If this was suddenly a brand-new berthing area that would be an impact. But we were trying to distinguish this as maintenance because we can use the previously approved footprint. In other words, if this project were not before the Commission at all, we could go to DMMO and say, we just need to maintenance dredge this area to adapt to, to accommodate those vessels. We just would not have anywhere to put them.

Commissioner Eklund stated: That makes sense if the existing marina would accommodate the larger vessels that currently are not part of that plan. Thank you, that helps a little bit.

Commissioner Gilmore commented: I do not want to belabor the issue of dredging, but I have what I hope is one quick question. The Navy has gone in and done some remediation of Clipper Cove hence I think it is the two feet of sediment that has to be maintained. So, you go in and you dredge that, and you take that sediment out and then you put two feet back in. Can you just explain to me how that works, hopefully, very quickly?

Mr. Burnam answered: The simple answer to that question is, we will not be dredging where the Navy's rock is placed. The developer worked really closely with the Navy to ensure that those two things were separate and in fact the marina design spans over the rock. We will not be removing the Navy's rock and replacing it, we will avoid that area.

Mr. Fielding stated: To add to that, as part of that Navy remediation document, dredging is explicitly precluded in that area, and so the permit would explicitly state that dredging cannot occur over that remediated area.

Commissioner Addiego was recognized: I was pleased to see that there were provisions being made for the existing occupants, so that if maybe they are on a 15-foot dock they can move to something else and only pay for the linear foot that their vessel is. Does the applicant have an idea of how many occupants would avail themselves of that situation?

Mr. Wallace replied: I am being told again, reminded by the occupant, the past commodore of the marina, that about 19 slip owners would avail themselves of that opportunity.

Commissioner Addiego continued: Okay, that is a modest amount. This is something that is happening in a lot of marinas where they are looking at the current mix and recognizing that the larger craft is actually what you want to go after to make a successful marina.

So, what is the relation between what they pay currently and what they might pay with a new repurposed marina? Is there any consideration made on that side per linear foot?

Mr. Wallace stated: What we promised to the San Francisco Board of Supervisors is that we would be charging the current market rates to the existing unit dwellers. We would be able to put a smaller boat in a larger slip and they would not be paying for the full value of the slip they would be paying on a reduced value.

Commissioner Addiego stated: Extremely generous. Thank you.

Chair Wasserman asked: Now, any questions or comments from the public?

Sherry Williams gave public comment: I am Sherry Williams, and I am from One Treasure Island. We are a community-based organization on Treasure Island that was formed under the Base Closure and Homeless Assistance Act of 1994. We have been an intricate part of the redevelopment of Treasure Island to make sure that the civilian reuse included opportunities for unhoused, formerly homeless and low-income San Franciscans.

We have been working with Treasure Island Enterprises and Jay for over 20 years now to ensure that the marina provides opportunities for employment for those who have barriers to employment. They have made good on that over the years in contracting with one of our members who provides janitorial training for people who have disabilities. We feel like they are an incredible community asset and member and abide by all of our diversity, equity and inclusion goals that we have and are very strongly supportive of on Treasure Island and urge you to support their commitment. After all these years it will be great to see it happening. Thank you.

Adam spoke: Hello, thanks for having this meeting. The current marina is falling apart, and I am very happy to see a new marina built.

As for the dredging, as one of the Commissioners already said, it seems the marina has made a strategic choice to create slips for very large boats instead of a larger number of slips for smaller boats on the same footprint. This is a choice which seems to tailor to the super-wealthy who have yachts, and it is a choice which requires more dredging.

I also have a question and concern about the boundaries of the marina. The map shown in Exhibit A and on page 3 of the Staff Report shows a lease area which extends way beyond the physical limits of the marina. Based on this map, it would appear the marina is trying to claim a large portion of the best anchorage in the Cove, which is regularly used by boaters from all over the Bay Area. By comparison, the map on page 6 of the Staff Report and page 5 of the presentation, the lease area does not extend to the Cove beyond the physical breakwater.

It does not seem like things will move forward today, but when they do move forward, I would like to be sure to show that the actual area under control of the marina is based on this lease area. Thank you very much.

Bill Kreysler commented: I am Bill Kreysler. I am here as the Chairman of the Board of the Treasure Island Sailing Center.

I just wanted to let the board know that to leave the permit as it is currently drafted does, in fact, follow the previously agreed-upon compromise that we worked towards with the developer.

I also wanted to take this opportunity to say that we have met with them and we have talked about how we can collaborate and share the Cove, and even to the extent that they have offered to collaborate with us, because we are going to also be applying for a permit to you folks before too long to try to upgrade our decrepit sort of facilities that require some new pilings and the like.

So, you will be hearing from us before too long, but in the meantime, I just want to make sure that you all knew that we felt that this did, in fact, follow the previously agreed upon compromise to the marina's size.

Brian Fabian offered public comment: Hi. My name is Brian Fabian, and I wanted to make a public comment as a current slip holder at Treasure Island Marina. My wife and I have a CAL 25 sailboat, and we have been berthed there at Treasure Island for the past 13 years or so. And as San Francisco is very invested in the redevelopment of the marina and Treasure Island itself I wanted to make sure that my voice was heard and those who are making decisions consider voters like me who have berthed their boats at the marina for years and years, regularly paying monthly slip fees and yearly paying property taxes to the City for the berths.

I also want to say a few words about the social equity portion of the redevelopment proposal to ensure that the marina is redeveloped in a way that supports regular San Franciscans like me. The current marina has an average slip size of 32 feet. The sailboat my wife and I own is a 25-footer. If you look around the marina currently, the average boat is like in the 20, 30-foot range.

The proposed new design in the marina has an average slip size of 55 feet. Fifty-five feet is a very large and expensive boat. I think a new 55-foot sailboat runs about a half million dollars, a new 60-foot fishing or motorboat, upwards of a million dollars.

I also wanted to point out in the marina plan it states that the marina offers a combination of 45-to-80-foot slips, perfect for a variety of vessels, both power and sail.

That seems crazy, man. Maybe perfect for a variety of very large and expensive vessels. I am not sure how many of you are boaters, but just on the small side, a 45-foot boat is a very large boat, a very expensive boat. I feel like if your minimum size targeting this marina is 45 feet, really catering to the wealthy and the elite.

I just wanted to make a plea to the decisionmakers that you keep in mind regular folks in the San Francisco sailing and boating community like me who have been part of this marina for years and sometimes decades. Please look to the future of the boating community by providing a marina where not just the ultra-wealthy but regular people from around the Bay Area can berth their boats at a reasonable cost. Boating and recreating on the San Francisco Bay should not require millions of dollars in the bank.

In closing, please make sure there are ample berths in the redesigned marina for people like me and current slip holders at the marina who just want to be able to enjoy beautiful days out on the Bay. Thank you for your time.

Matthew Schaefer was recognized: Hi. My name is Matthew Schaefer. I am a partner/source-holder of also a 25-foot sailing vessel at the Treasure Island Marina.

I just wanted to voice my concern regarding the preponderance of large slip sizes and the new redevelopment of the marina.

I have lived my life around the water, around boats and marinas. One of the things that I have always been struck by has been the mix of people who have access to water at the marina, a mix of classes and people from all different strata of society, and I want to make sure that nobody is left out through any redevelopment proposal.

I myself am a long-term San Franciscan and have been enjoying spending time, the opportunity to spend time on the water with my family on a small vessel and would not want to see Treasure Island Marina turned over only to the big ones. Thank you very much.

John Shannon addressed the Commission: Hi, thank you. I am a long-time boater in the Bay out of Berkeley now. My biggest concern is access to the anchorage that is currently there. I love to go out there with my family and friends and am concerned that the expanded marina, in addition to the expanded beach access, will remove the protected anchorage portion of Clipper Cove and make it a lot more treacherous to be there under non-ideal conditions. Putting my voice out there for other types of access.

Ms. Peterson continued: Commissioner Gioia, I will recognize.

Commissioner Gioia replied: Yes, we have a member of the public here.

Mr. Dury commented: Hi. My name is Jason Dury. I am a homeowner here in Berkeley and I have had a boat in Emeryville Marina for the past 15 years. I know John and I think we both are in a Virtual Yacht Club that represents about 2,000 almost 2,000 (indiscernible). So, people who use this marina and enjoy that anchorage.

Again, if you could pull up the slide that has the overlay on public access that shows the swim zone that would be really helpful. Anyway, that swim zone, if you are looking at that map, the causeway that goes between Yerba Buena Island and Treasure Island proper has a mountain or a hill that creates a wind shadow that casts over that entire swim zone. That is the most coveted part of the anchorage for safety reasons, for access to the beach. So, if you put all the swim zone there you are going to be pushing a lot of boats away from the most coveted and most used area of that anchorage.

So, I ask that you remove the swim zone and instead put it in after you build the marina, and you have an evaluation period of how the public dock accesses work. Also evaluate how the beach and the anchorage are interacting.

In the past 16 years, I have anchored there more than 200 times. I can tell you we have never had a conflict with swimmers and boaters. It is not a high-speed area. It is not a high traffic area. People are going as slow as possible, dropping their anchors and pulling back from that beach area. So, if you could designate in your map where you see the anchorage, not that you are taking responsibility for how it operates, but just where do you see the anchorage. Remove the swim zone, draw a line down the middle of that and then designate as anchorage all the way up the beach. That would be greatly appreciated. In the past 15 years that is how that marina is used, or how that anchorage is used. And I think that's it, thanks.

Ms. Peterson announced: We will now move to in-person speakers.

Robert Beck was called: Robert Beck with the Treasure Island Development Authority. We are charged with implementing the landside development on Treasure Island, and the lease with Treasure Island Enterprises is with the Treasure Island Development Authority.

We have been making great progress on implementing the development of Treasure Island and Yerba Buena Island. We have 1,000 new homes under construction or completed already, and we will be mobilizing into the third stage of development in April of this year to improve parcels for an additional 1,350 homes.

The marina development has long been part of the plan or vision for Treasure Island. We are very excited to have this milestone today and encourage your consideration of the permit. Thank you.

Atta Pilram spoke: Good afternoon. My name is Atta Pilram. I have been a resident of Treasure Island since 2000. I am also a boat owner, and my boat is in a slip in Clipper Cove. I am also a past commodore of Treasure Island Yacht Club. We are definitely in favor of having this marina to be built, because it has been a lifeline for not only our club, but also our public communities of teaching the folks on the Island and vicinities with sailing and the boating activities. We are definitely in support of the marina.

And we are really thanking Mr. Wallace who has been in contact with us and informing us all along for the many, many years about the development. As a small owner of a boat in the marina, we have been also concerned about the rising prices and the cost for the smaller vessels like mine, and glad that Mr. Wallace confirmed that they would accommodate a smaller boat and smaller vessels in the marina. Thank you very much and I appreciate your consideration.

Chair Wasserman acknowledged and asked: Thank you very much.

Are there any other Commissioner questions or comments?

Commissioner Ranchod stated: There were a couple of public comments regarding the continued availability of slips for the smaller boats. It is noted in the Staff Recommendation that vessels berthed at the previous existing marina shall be subject to grandfathered rates based on vessel length, and that sounded like that is what Mr. Wallace was addressing. I just wanted to confirm that that is consistent with what is described in the Staff Recommendation.

Mr. Fielding stated: That is correct.

Commissioner Gioia commented: Yes, just to follow up on the question that was raised here. Can someone put up that map about the swim zone and if there was any response from staff on that issue that was raised? Can you respond to the comment that was made, the staff?

Mr. Fielding commented: Yes, the current proposal is not in that area of Clipper Cove and would not be impacting the swim zone. I have to go back and consult the Applicant on this map. I believe that this is basically showing where the development would not be impacting. And so, if it is labeled swim zone that does not necessarily mean that there's any changes to that area of Clipper Cove and would not apply any changes to existing anchorage at that area.

Commissioner Gioia asked: Is that accurate? Okay.

Mr. Fielding replied: Yes, that is correct.

Commissioner Gioia acknowledged: Thanks.

Chair Wasserman noted: I do not see any other Commissioner questions. I would request a motion to close the public hearing.

MOTION: Vice Chair Eisen moved to close the public hearing, seconded by Commissioner Randolph. The motion carried by a voice vote with no abstentions or objections.

Chair Wasserman continued: Sam, would you make the Staff Recommendation please?

Mr. Fielding read the following into the record: Staff recommends the approval of the Treasure Island Marina Replacement Project, BCDC Permit Application Number 2023.006.00, with the conditions described in the Staff Recommendation and summarized on this slide, including:

- To implement measures to protect natural resources and water quality during construction, to conduct pre-construction.
- To conduct pre-construction and post-construction eelgrass surveys and potential follow-up monitoring.
- And to reserve the eastern side of Dock A for transient boating mooring, provided at a nominal fee, for up to two consecutive nights.

As conditioned, the staff believes the project is consistent with the requirements of the McAteer-Petris Act and the Francisco Bay Plan. Thank you.

Chair Wasserman asked: Does the Applicant accept the recommendation?

Mr. Anderson answered: Yes.

Chair Wasserman stated: That was a yes, in case anybody did not hear it. I would entertain a motion if there are no comments.

MOTION: Commissioner Addiego moved approval of the Staff Recommendation as presented, seconded by Commissioner Hermosillo.

VOTE: The motion carried with a vote of 19-0-0 with Commissioners Addiego, Ambuehl, Eklund, Gauthier, Gilmore, Gioia, Gunther, Hermosillo, Kishimoto, Kimball, Moulton-Peters, Pemberton, Ramos, Ranchod, Randolph, Showalter, Vasquez, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman announced: Congratulations and sail on.

9. Senior Staff Presentation. Acting Chair Eisen continued: Chair Wasserman is going to be absent for a few seconds, so we turn to Item 9 on the agenda, which is a senior staff briefing on budget and legislative activities from Director Goldzband and Rylan Gervase.

Executive Director Goldzband addressed attendees: Thank you very much, Vice Chair Eisen. This will not be lengthy on the budget.

I just want to make sure that you all know where we are at. Usually by now, actually five months earlier, we would have given you an October update and final drill on the previous fiscal year's budget ending June 30 and let you know how we expect the current fiscal year to go on.

We were unable to do that because as part of the budget cycle this year's state budget included a couple of drills by the administration that attempted successfully to reduce headcounts in the state by eliminating a number of vacant positions as well as reducing General Fund and various other special funds. And state organizations, whether you are a department or a commission or a board or an agency, were not provided the actual data to do so until late December.

So, we have started implementing that now and we are working through those drills now. We will give you an update in March as to exactly how we are going to make it through the rest of the year, given the reductions that we, along with all the other state agencies, received notice of halfway through the fiscal year.

We have been working as a group, meaning Reylina Ruiz who is the head of Admin, and Sean Williamson who is our budget guru, and I, to make sure that we really understand what the directions are from the Department of Finance. That was not necessarily easy, but we got through it along with everybody else.

Just to let you know where we are at now, earlier this week we had a meeting with a whiteboard in which I outlined how we need to make decisions through the rest of the year, given what we know is the revenue or the income, what we know we have in terms of cuts, what we know we have in terms of unfilled positions, and what we know or think we will have with regard to The governor's budget proposal starting July 1.

In that budget proposal that the governor has given to the legislature in which budget hearings are not expected to occur until I imagine at least next month, BCDC has been awarded provisionally seven positions to implement SB 272. Those are both positions as well as dollars to implement. I am imagining, probably not imagining I am forecasting, I am projecting, I will bet a month's mortgage that at some point during the budget hearings on the governor's proposal I will be asked, and more than likely the Coastal Commission will be

asked, to justify those new positions. Which we will do. Then we will work with the administration and the legislature to, knock on wood, be able to get those positions.

All that is going into the mix, as it were, for how we respond to what we received in late December and how we are going to ensure that we do not do what nobody ever wants to do, which is run a deficiency, or somehow not meet the targets that the administration and the state have provided to us.

So, I am giving you this update and it is sort of like the stay here for future updates, because I am pretty sure that certainly by the end of this month, we will know how we are going to work through that and what will happen, and we will give you an update in March. But I just wanted to let you know that is where we are at and why you did not get the annual October review and preview. I am happy to answer questions about that.

Chair Wasserman asked: Any questions for the Executive Director?

(No questions were posed to Executive Director Goldzband.)

Executive Director Goldzband continued: We created this item because we wanted also to give you the opportunity to hear from Rylan Gervase, our new Legislative and External Affairs Director, on how he and I have been meeting with various legislators and how he has been working with our staff and with Sacramento staff to provide them with information. We expect that this will become a regular agenda item in the rather near future, but we thought that we would at least give Rylan the opportunity to set that up for you.

Director of Legislative and External Affairs Gervase commented: Good afternoon, Chair and Commissioners. Over the last several months Larry and I have begun the process of introducing ourselves and BCDC to each Bay Area legislative office. In the halls of the State Capitol in Sacramento to the district offices in Hayward and Fremont we have met with legislators and staff for now over 15 of the 27 Bay Area offices. For those unfamiliar with BCDC, we educated them on the basics: preventing Bay fill, maximum feasible public access, and sea level rise planning. We also spent a lot of time talking about the RSAP and its implementation and talking about permitting reform.

Included with your meeting materials in the agenda are three of the fact sheets; I will call them. There has been a bit of debate between Larry and me over whether they should be called one pagers or two-pagers. I will spare you the details of that. I just wanted to provide those as reference materials for your own work if you interface with members of the public or members of the legislature; they cover those three topic areas that I mentioned. Over the next few months, we are hoping to visit all the remaining offices, especially those for newly-elected members.

Since the start of the legislative session in December, the governor has called two extraordinary sessions, one to deal with funding litigation against the Trump Administration, and the second to deal with funding responses to the wildfires. I expect that both of those issues are going to continue to dominate the conversation in Sacramento and we are going to see a lot of legislation surrounding those two issues.

We have also seen 823 bills introduced since December. So far, only three of those bills directly mentioned BCDC. Two of those are the Assembly and Senate Natural Resources budget bills which appropriate BCDC'S funding along with funding for many other agencies. Larry already covered the implications of the January 10 budget in his report. The third bill requires the Energy Commission to consult with BCDC on a report, which is something I will cover in further details, along with other legislation we are tracking, at our next legislative briefing.

Legislators have until February 21 to introduce bills, so we can expect to see many, many more. The good news is that the Assembly has reduced the maximum bill introduction limit from 50 to 35 this session. That means hundreds of fewer bills in total, which is going to make my job, as well as the job of the legislators much, much easier.

Regarding our legislative briefings. I expect to brief the Commission monthly on legislation that BCDC is tracking. If needed, the Commission will be asked to approve any recommended positions such as oppose, support, oppose unless amended, or some variety of that. Legislative briefings, we are tentatively looking at holding them on the first Commission meetings of the month, possibly starting as soon as March 6.

And finally, as we all know, the legislature and governor are not just sitting around during the periods between Commission meetings. So, if Larry and I believe that it is in the Commission's best interests to take a position on a bill or a policy between meetings, we will discuss that possibility with Chair Wasserman and seek his approval to do so. I will report back to the Commission at the earliest possible time about our work prior to that meeting to make sure that everybody is informed if we do take positions in the meantime. That is my report. Thank you all very much. I am happy to answer any questions.

Executive Director Goldzband stated: I want to add one thing.

One of the things that I have noticed when Rylan and I are walking around what is now known as the swing space, for reasons I do not understand, but that is where the legislators basically have most of their offices and where now the hearings are because the new part of the Capitol, which was such a horrific thing anyway, is now being torn down and being replaced so they have moved them over there. But when we walk through the swing space, I am struck immediately by how many people Rylan knows, or who know Rylan, or who know about this or that, which is why we hired Rylan.

I just have to tell a story on Mark Addiego, our long-term Commissioner from South San Francisco. Because in the early part of this year after a Commission meeting Supervisor Addiego came up to me and handed me a piece of paper saying, we need your help in Sacramento, we have an issue. So, I looked at it, did not understand most of it and gave it to Rylan so that he could understand most of it, which he did.

So, the second day, I believe it was the second day we were in Sacramento, we were walking on the fourth or fifth floor to another meeting, or I was, and I noticed that Rylan was talking with a couple people I did not know. So, I, of course, walked on up. Rylan introduced me to these two people whom he has known for a long time, and it turns out that they are the contract lobbyists for the city of South San Francisco, and they wanted to talk to Rylan about the piece of paper that Mark Addiego had given to me. It just demonstrates, A, that Rylan is a vet, and B, that Sacramento is a really small place. And it really will, I think, be helping BCDC to have a person who can spend a lot of time, indeed is based in Sacramento. So, we look forward to using Rylan, not using him up, and to having the benefit of his experience and his wisdom.

When Commissioner Ranchod told me that he was moving over to the Energy Commission my first thought was great, now we have somebody at the Energy Commission who understands BCDC. And lo and behold, the one bill that is not a budget bill deals with the Energy Commission, so you are on point, Commissioner Ranchod, and we appreciate your support.

Chair Wasserman asked: Are there any public comments on this item? Then I will come to Commissioners.

(No members of the public addressed the Commission.)

Commissioner Gunther was recognized: Rylan, so if we take the budget bills aside, we are talking about BCDC being mentioned once in 139 bills, or whatever. Is that a surprise? I just wonder how that matches your expectations, or is there no way to predict?

Mr. Gervase replied: I would say it is a pleasant surprise. I think if BCDC had a less stellar reputation in Sacramento we would probably see a great deal more many bills mentioning us. I will qualify my statement that just because bills are not necessarily calling us out by name does not mean that they are not affecting us or operations. I am also tracking, I think at the moment, two dozen other bills that have some implications for us. Yes, I think I will conclude my remarks that way. Thank you, Commissioner.

Executive Director Goldzband stated: I want to add to that, though. Because we sat down, Rylan and I sat down with Assembly Member Buffy Wicks and her staff and others. Assembly Member Wicks is chairing the Select Committee on Permitting Reform; and spoke with them about BCDC's permitting roadmap.

My forecast is that because of the LA fires, permitting will become even more on everybody's mind in Sacramento. So, Rylan has his work cut out for him in tracking all of that and making sure that BCDC is not thrown into the maelstrom of whatever happens. Or if we are, that we are able to have a good way of having the Assembly Members and Senate members understand how we work, versus simply being tossed into a room in which anything could happen.

There is an example of how BCDC has not been mentioned in a bill, but I am pretty sure that there are probably at least a few bills dealing with the LA fires that have been there, and more than one of them is dealing with permitting. It is just a way that we have to keep on our toes to look to see what is out there.

Chair Wasserman commented: One of the reasons that I think it is important for us to have regular briefings from Rylan on what is happening in Sacramento is some of the discussion you just heard. But I also want to recognize that BCDC's role and relationship in dealing with the legislature is starting to shift. I think in the past it has largely been, see no evil, hear no evil, speak no evil. We don't bother them; they don't bother us. Those days are somewhat over, and they are over because a number of the issues that may not name us in particular will affect us.

And number two, as climate change and in particular rising sea level become increasingly important for legislative action there is the need to interact. So, a lot of what Larry and Rylan are doing and what we need to be briefed on and will give back up for, is developing relationships that we really have not had in a significant way in the past. We have always had relationships with the representatives of the Senate and the Assembly who sit here ex officio. I should not say always because sometimes they are not so active.

But generally have. In this too, the times are a-changing. So, I think this is a very important upgrade in what we are doing in our relationship with the legislature.

If there are no other questions that concludes this item and brings us to adjournment.

10. Adjournment. There being no further business, the Commission meeting was adjourned at 2:54 p.m.