

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600
State of California | Gavin Newsom – Governor | info@bcdcd.ca.gov | www.bcdcd.ca.gov

DRAFT MINUTES

TO: All Commissioners and Alternates

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

SUBJECT: Draft Minutes of August 21, 2025 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:03 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, everyone, and welcome to our continuing hybrid BCDC meeting. My name is Zack Wasserman, and I am the Chair of the Commission. I want to thank everyone who is here in Metro Center for attending, as well as those who are attending virtually.

I also want to make sure that everyone knows that Agenda Item 10, the Mare Island Dry Dock item, has been postponed to a later date.

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

2. Roll Call. Present were: Chair Wasserman, Vice Chair Eisen, Commissioners Ahn, Beach, Dorsey, Eckerle (represented by Alternate Kimball), Eklund, El-Tawansy (represented by Alternate Ambuehl), Gauthier, Gioia, Hasz, Hermosillo, Lee (represented by Alternate Kishimoto), Mashburn (represented by Alternate Vasquez), Moulton-Peters (represented by Alternate Cox), Ramos (joined after Roll Call), Randolph (joined after Roll Call), Showalter, Tam (represented by Alternate Gilmore), Taylor and VACANT (Nelson). Jesse Arreguin, appointee of the Senate Rules Committee, represented by Alternate Zepeda, (joined after Roll Call), and Catherine Stefani, appointee of the Speaker of the Assembly (represented by Falzon, joined after Roll Call) were also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego, Gonzalez), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Regional Water Quality Control Board (Gunther), State Lands Commission (Kato)

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

Brock de Lappe spoke: Good afternoon, Commissioners. My name is Brock de Lappe. For 10 years I served as a Harbor Master on the Oakland Estuary; and now despite retirement I remain a committed advocate for the protection of the Estuary.

Today, I would like to address two issues, illegal anchor-outs on the Oakland Estuary and homeless encampments in Union Point Park. I have recently sent the Commission a photo survey that graphically documents the current conditions.

Derelict anchor-outs have long been a problem on the Estuary. These vessels are most often not properly registered or insured, lack proper safety and sanitation equipment, and are known to bring a criminal element that has targeted the local marine community. Anchor-outs

have proliferated along the Oakland shoreline, with a heavy concentration directly offshore of the Jack London Aquatic Center, putting youth rowing programs at risk.

In 2023 the Oakland City Council unanimously passed a nuisance vessel ordinance that limits anchoring in the Estuary to 12 hours. This law is not being enforced, and the reason for that is simple. The absence of on-the-water enforcement patrols by both the Oakland Police Department and the United States Coast Guard.

The Port of Oakland, which is the third-largest container port on the west coast with an annual operating budget of \$305 million, funds one port security officer for the Oakland Police Department, Kaleo Albino. While I have tremendous respect for the efforts of Officer Albino, he cannot perform the necessary on-the-water enforcement by himself.

The city of Oakland has an annual budget of \$2.18 billion. There needs to be a priority to provide adequate staffing support for marine patrols to properly protect the Estuary.

If the first anchor-out is prevented, the problem would not be allowed to grow out of control into a very dangerous and expensive condition. Given the current lack of enforcement on the Estuary it has become a magnet for derelict anchor-outs from throughout San Francisco Bay.

Union Point Park, once a beautiful shoreline public resource, has once again become overwhelmed by homeless encampments. This squalid environment has effectively eliminated any general public use.

The tragedy is that these encampments have been removed from the park many times over the past several years at considerable expense to the City. The Park has been declared a formal closure area after being cleared, yet without diligent enforcement the same problem returns, and the cycle begins all over again. There needs to be a commitment on the part of the city of Oakland to protect this park.

Val Hammel commented: Hi. My name is Val Hammel, and I live here on a boat at Union Point. I have been in this marina for over 20 years, and I have been direct witness to everything that has happened here.

I want to emphasize in the strongest possible terms to the Commission that the enforcement that was agreed upon is not happening. In October of 2020 this Commission adopted the Cease-and-Desist Order and authorized civil penalties of up to \$6,000 per day if the Order was violated. There was an agreement to fully remove the encampments by February of 2021. This removal finally happened in March of 2021.

Since then, I have asked what I, as a concerned member of the public and somebody who lives here can do and I have been told, just make sure that you report everything that is going on so that we know it is happening and we can handle it. I have made countless reports to Oakland 311, to Adrienne Klein and now John Creech and I have attended Enforcement Committee meetings.

I have witnessed one excuse and delay after the next from the city of Oakland. Making promises. Presenting all the things that they were supposedly doing. And what I keep seeing is right now we still have cars being broken into regularly in the parking lot, being stolen from the parking lot. I had a van broken into. They attempted to steal it. They destroyed the ignition. I had a catalytic converter stolen. My third catalytic converter stolen out of that parking lot. There is now literal, literal shacks are being built in the Park. You hear the sounds of hammering and drilling and constructing going on all day long.

The closure of the parking lot at the other end of the camp. It makes absolutely no sense because at the other end of the Park, the homeless encampment wasn't bothering anybody else, for all the troubles that it may have had internally.

So of course, what happens when that parking lot was closed and sealed, everybody from that parking lot just moved into our parking lot, and so the marina residents and users are now co-existing with mountains of trash.

Ryan Bacigalupi was recognized: My name is Ryan. I am here representing a newly forming nonprofit, Treasure Sales Rogue Fleet. We are based in the Oakland Alameda Estuary. Our mission is to build a community on the waterfront through education, service and shared traditions. We want to give people, especially those anchor-outs that we were talking about, the chance to learn seamanship and be productive members of the community.

As we grow, one of our biggest challenges is going to be affordable slip space. Without accessible slips or designated moorings, that small community group can't offer structured programs. That gap leads to more pressure on anchor-outs, which I know has been a concern here.

What we are asking for is simple, consideration for additional affordable slip space or community moorings dedicated to responsible organizations who want to be part of the solution. We want to give vessels a proper home, provide oversight and care and contribute to keeping the Estuary safe, clean and welcoming for everyone. Our club is going to be about service and stewardship, and with your support we believe that we can strengthen the waterfront community and help to address the very concerns that you guys are raising here. Thank you. I yield back my time.

Chair Wasserman continued to the Report of the Chair.

4. Report of the Chair. Chair Wasserman reported on the following:

A. Commission Meeting Schedule: I want to remind Commissioners that we will have two very full Commission meetings in September. Our next meeting will be held here at the Metro Center on Thursday, September 4. We will not meet on October 2, which is Yom Kippur. We will resume our regular meetings on October 16.

B. Rising Sea Level Working Group: Our Rising Sea Level Working Group had an interesting meeting this morning. A report on the status of cities and counties responding to our staff on the requirement to develop a rising sea level plan for their jurisdiction. Progress is most certainly being made. Whether it is as quick as we would like is not so clear. We do recognize that many jurisdictions have a lack of funding and staff and expertise. Our staff is continuing to meet with the local jurisdictions to assist them.

We also had a status report on the changes to our regulations regarding our administrative matters. The staff had recommended four measures. Three of those are proceeding and will be coming back to us. One of them is going back for further discussion because there was a significant amount of concern. That one related to the size of wetland exceptions, acreage size, and that is going back for more discussion with the interested parties.

I think while our discussion about jurisdiction ranged over a number of issues, I think there was a sense, I would describe it as a growing sense, that we are going to have to come to grips with that sooner rather than later. I have long articulated that before we go to the legislature, we need more facts. That is still true. In the sense of having the localities respond to the

requirement of their local rising sea level plans is still very much in progress.

However, when we think about the fact that sea levels are continuing to rise and are not waiting for us. When we think about the length of time it is going to take to get people to develop these plans, when we think about the amount of time it is going to take to develop adaptation projects, time is not on our side. And while we do not have the specifics, a theme that Commissioner Gioia has articulated long and well that it is unlikely we are going to get the kind of measures and responses that we need purely by cooperation. We need to start thinking about next steps.

And I will say that one of the things that occurred to me as I was thinking about our session this morning is the comparison to the California Coastal Commission. I am not holding them up as a paragon of virtue. They have had their problems. And their legislation has some problems. They do have significant powers to enforce that we do not. Seems unfair, we were first, we sort of plowed the territory. They came in second. They have significantly more powers than we do.

I think that sense of unfairness gets magnified when you think about the fact that in the Bay Area we will suffer significantly more damage to property and natural resources and people from rising sea level than the rest of the coast in all likelihood.

We are still not ready to go to the legislature, but we have asked staff to go back and present some issues more specifically to us about what we might consider fairly specifically in terms of seeking jurisdiction. We are not going to rush to the legislature. We are going to need facts. We are going to need more public outreach, including some workshops and a range of activities. But we are moving forward on thinking about this very tough issue.

C. Next Meeting: At our next meeting on September 4, we expect to have two important briefings. One is a public hearing and possible vote on a pipeline restoration project; and a briefing on proposed changes to BCDC regionwide permit regulations, as well as a report from our summer interns on their accomplishments and observations about BCDC, which is always interesting and often inspiring for us.

D. Ex Parte Disclosures: That brings us to the time for any ex parte disclosures, if you have not previously made them in writing and you wish to make them orally now you may do so. You need to make them in writing in any event. If anybody has some they may do so briefly. Are there any ex parte disclosures? I see no hands.

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

While the exact date may be somewhat uncertain, historians place August 21, 1888, some 137 years ago, as a possible date on which William Seward Burroughs patented his new adding machine. After a short and unhappy stint as a clerk who tired of putting pencil to paper to add long rows of sums, Burroughs appears to have learned from earlier attempts to create adding machines and he produced an easier-to-use functional machine.

His eponymous company, the Burroughs Corporation, is likely familiar to anyone who worked in an office in the last half of the 20th century. The firm expanded from producing adding machines to electronic financial services, and it acquired Sperry to form Unisys. One local note, Burroughs was the grandfather of Beat author William S. Burroughs, who named a collection of his essays "The Adding Machine."

Speaking of adding, we have a few announcements for you to know about staff.

First, Susie Ledesma will start with us on September 2 as our new Director of Operations and Fiscal Services, which is what we have renamed our Admin unit. Susie is a Hornet, having graduated from Sacramento State University with a degree in Communications. She has been a manager in state service for seven years and she is now managing a large group within California's Department of Health Care Services and has experience in HR, business services, contracts, training, website, and budget.

Peggy Atwell, our retired annuitant who has been filling Reyli Ruiz's big shoes while we searched for her replacement, has agreed to continue on as a part-timer for September to help with the transition.

We also expect Matthew Chan, a recent UC Davis Aggie graduate, to start with us later this month to replace Elsa Gomez, who retired after 19 years at BCDC. Matthew earned his degree in information technology and has worked at the Department of Industrial Relations for the past two years as a student assistant providing help desk support, which will be his main duty at BCDC.

I am excited that we shall finally fill the vacant enforcement attorney position by hiring Sean Wagner-McGough, who comes to us from the Office of the Solicitor within the federal Department of the Interior.

Prior to that position, Sean was a summer Honors Law Clerk in the federal Environmental Protection Agency. Sean is a Golden Bear, having earned his undergraduate degree from Cal, prior to becoming a Buffalo, as he earned his law degree from the University of Colorado.

Perhaps more important around the virtual water cooler, Sean spent the first part of his career as a staff writer for CBS Sports, mainly covering the National Football League and the Golden State Warriors.

Finally, we are pleased that Isabel Chamberlain has accepted our offer to move into the role of managing the combined Enforcement and Compliance Program. Isabel is a proud Aggie who earned her undergraduate degree in International Agricultural Development from U.C. Davis and her graduate degree in public affairs from Cal, making her a Golden Bear as well.

Most important, Isabel has demonstrated a great work ethic and creative streak as a current member of the enforcement team - in addition, integrating the enforcement and compliance programs into a combined management system will enable BCDC to work more successfully, and we are continuing to better integrate the Compliance Program with our Permitting Program to make that a more seamless connection.

You will remember that during the public comment period at your last meeting Allison Madden spoke of the sinking of the Brigantine off of Alameda. Tony Daysog of our Compliance Team, who happens to be an Alameda City Councilmember, communicated with the Alameda Assistant City Manager who let Tony know that "all hazardous materials from the ship have been contained and managed for public safety" and that the owner of "the ship is currently soliciting quotes from salvage companies and trying to secure work that is within their insurance coverage limits." That being said, there is currently no timeline for its removal. Tony will continue to monitor the situation and report back to us as our unflappable compliance staff member.

Last week, NOAA sent a note to all coastal zone management programs throughout the country stating very clearly “... that NOAA will be placing the following Special Award Condition on all new funded actions” – that any state’s coastal zone management program will need to “certify to the Department [of Commerce] that it does not operate any programs promoting diversity, equity, and inclusion that violate any applicable Federal anti-discrimination laws.”

As the Coastal Commission is the initial recipient of all federal funds that BCDC and the Coastal Conservancy receive from NOAA, we shall work with the Commission staff to ensure and confirm that we are within full compliance of all federal laws, and I shall report back to the Commission as we learn more.

Finally, some news about BCDC’s Summer Outreach Program to publicize the Regional Shoreline Adaptation Plan, as briefly discussed by Chair Wasserman. This effort is known formally as the ongoing RSAP Summer Tour, or more colloquially as RSAPapalooza.

As Jackie Perrin-Martinez outlined this morning to the Rising Sea Level Working Group, BCDC has held three webinars this summer, including one specifically to provide a demonstration of the newly launched RSAP Atlas, a data and mapping tool developed to support the creation of subregional plans. The goal of this tool is to make it easier for planners and practitioners to access reliable, regionally consistent data and apply it directly to the development of their plans. The Atlas was developed with technical support from SFEI and integrates the best available science on Baylands habitats, coastal hazards, and more.

Please let us know if you would like a demonstration, it is very cool! All of our webinars have been recorded and are available on the website and our final presentation will take place next month. In addition, we have been in substantive contact with almost all jurisdictions along the Bay and we are beginning to see some very real and positive responses to the SB 272 mandate. I encourage you to look at Jackie’s short PowerPoint, whose link can be found in the Working Group’s agenda on our website.

In addition, let me remind all Commissioners now. The first agenda item from the policy side, the Bay Plan Amendment, requires 18 affirmative votes to approve. By my last count, and I am looking at Sierra, we have 20 Commissioners who are able to vote with us right now, so please do not leave.

That completes my report, Chair Wasserman, and I am happy to answer questions.
(No questions were posed to the Executive Director.)

6. Consent Calendar

a) Approval of Minutes for the August 7, 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 Nelson moved approval of the Consent Calendar, seconded by Commissioner Cox.

VOTE: The motion carried with a vote of 20-0-1 with Commissioners Ahn, Ambuehl, Cox, Dorsey, Eklund, Gauthier, Gioia, Gilmore, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Ramos, Randolph, Showalter, Taylor, Vasquez, Vice Chair Eisen and Chair Wasserman voting, “YES”, no “NO” votes, and Commissioner Beach voting “ABSTAIN”.

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

Chair Wasserman stated: We have received a letter objecting to one of the items. I simply note that for the record.

(No members of the public addressed the Commission.)

Commissioner Kishimoto: I kind of related to that letter that we received. I read and there are really no conditions listed. Is there anything about the color of the composite plastic that is going to make up the boardwalks, and should we have any?

Regulatory Director Ross chimed in: I am actually unsure, but the permit analyst should be on the line if you would like him to see if he would, okay. Rowan, are you available?

Coastal Program Analyst Yelton replied: We have not conditioned the permit to require any specific color for the boardwalks, but I believe they will be a natural brown wood color.

Commissioner Kishimoto asked: Does our General Counsel have any recommendation on whether there is any worry about that or whether we put that as a condition?

General Counsel Scharff answered: You know, I do not have any worry either way, it is an aesthetic decision.

Commissioner Kishimoto responded: This person says they object to seeing, and it just makes sense that it is a natural color and not bright white.

Mr. Scharff replied: Right. But that is what they are doing. Rowan, that is what they are doing, correct?

Mr. Yelton responded: I believe it will be. They have a lot of boardwalks throughout the Bay Area, and they use the same materials and plans for all of them, so it will be just like all the other ones that you see.

8. Vote to Adopt Bay Plan Amendment 3-17, San Francisco Waterfront Special Area Plan. Chair Wasserman announced: We will move on to Item 8, considering a proposed Bay Plan Amendment No. 3-17 which would update the San Francisco Waterfront Special Area Plan, an element of the San Francisco Bay Plan.

As you I am sure recall, the Commission held a public hearing on this agenda item at its July 17 meeting. The proposed amendment would align the policies of the BCDC Special Area Plan with the Port of San Francisco's Waterfront Plan, update the geographic-specific policies of the Fisherman's Wharf vicinity to match the Northeastern Waterfront vicinity, and would establish a Sea Level Rise Public Education Program to be managed by the Exploratorium.

Ben Dorfman of our staff will make the presentation.

Coastal Program Analyst Dorfman addressed participants: Thank you, Chair Wasserman and good afternoon, Commissioners. My name is Ben Dorfman, Coastal Program Analyst on the Long-Range Planning Team. I am back again to give you another presentation on Bay Plan Amendment No. 3-17. This is an amendment to the San Francisco Waterfront Special Area Plan.

On July 17 we had a public hearing on this Bay Plan Amendment.

On August 8 we mailed a final copy of the Staff Report that includes the Final Staff Recommendation, responses to public comments, and responses to questions and concerns raised by Commissioners at that public hearing. It also includes the Commission Resolution No. 2025.01 that you will be voting on.

I am going to review these materials relatively quickly; it will hopefully take around 10 minutes. I am happy to answer any questions afterwards as well.

First a quick refresher on what BPA 3-17 contains since we last discussed it about a month ago.

There are two primary components of this Bay Plan Amendment.

One is applying the Northeastern Waterfront policies in place of the 50% rule to the Fisherman's Wharf geographic vicinity.

The other major change is a public benefit swap at Piers 15 and 17, changing a Bay fill removal requirement for the Exploratorium to instead require a Sea Level Rise Public Education Initiative.

There are others, some smaller changes that include modifying the dates for certain public benefits and updates to terminology and findings to remove outdated information and align the Plan with the Port's 2023 Waterfront Plan. All the changes being made to the SAP can be found in the Final Staff Recommendation, Appendix A Exhibit 1.

Like I mentioned, on July 17 we held the public hearing for this BPA. In that meeting I gave a more in-depth presentation on the changes being proposed to the SAP and we also heard from our partners at the Port of San Francisco and the Exploratorium.

We received one written public comment letter in advance of that public hearing, and we heard from nine public commenters who spoke at that meeting. Every comment was in favor of the BPA, and a response to each comment is included in the Final Staff Recommendation.

Commissioners also asked some clarifying questions and provided their thoughts at the public hearing. In the next few slides I will explain how we address those concerns from Commissioners that needed some follow-up.

As I mentioned, we provide a little further analysis and explanation in the Final Staff Recommendation, which we mailed out, to address those questions and concerns from the public hearing. So, these next two slides will cover that.

This first one covers the Bay fill removal requirement. Commissioners inquired more about that Bay fill removal process, specifically for more information on Bay fill removal opportunities within the Northeastern Waterfront, to ensure that efforts have been taken to attempt to meet that Bay fill requirement as required in the SAP before this amendment changes it.

Prior to entering into the MOU with BCDC in 2023 the Port of San Francisco did spend several years searching for opportunities to meet that fill requirement as it is currently written. This process can get a bit technical when we start counting square feet of Bay fill. But it is important to remember that the primary motivation behind the original requirement in the SAP was for fill removal to create an open water area. The open water area was to give the public a better feeling of closeness to the Bay, contributing to a more public revitalized waterfront.

However, by the time that the Exploratorium amendment happened at Piers 15 and 17 which put this whole thing into motion, that is when the Port started looking for alternative fill removal locations. There had already been multiple fill removal projects elsewhere in the Northeastern Waterfront based on that timeline. Specifically, there were fill removal projects at Piers ½, 2, 24, 34 and 36. And all those removal projects were also required in SAP as well. So that limited the opportunities within the Northeastern Waterfront for a sizable fill removal project.

The Port did do their due diligence in looking for fill removal opportunities throughout the rest of the waterfront. Specifically, there were two potential opportunities identified in the Fishman's Wharf and Southern Waterfront, specifically removing parts of Pier 64 which is in the Southern Waterfront, and crediting the removal of Pier 43½, which is in Fisherman's Wharf.

But even these two projects would not have achieved the amount of fill needed because if you remember from that original presentation in the public hearing, there is a 2:1 fill ratio required for any fill removal that occurs outside the Northeastern Waterfront. So those two removal projects combined would not have been the necessary amount of fill to meet the requirement as it is written.

Importantly, there is no large fill that would benefit the public's experience along the waterfront in the Northeastern Waterfront since realistically now any fill removal that would happen to meet the actual amount of fill needed would require multiple locations of fill removal and that would not necessarily be located near areas with public circulation. So, the open water area benefit, which was the original intent of this whole requirement, would not be as significant as we originally intended, if that makes sense. The removal would be along multiple locations of the waterfront and not result in one single large open water area.

These factors and the good faith efforts by the Port, along with the rising priority towards sea level rise education for the Commission, informed BCDC staff when we made our recommendation for the Commission to enter into an MOU with the Port and pursue this Bay Plan amendment.

I am moving on to our next point of clarification on the Sea Level Rise Public Education Initiative.

Some other questions were raised around the Sea Level Rise Education Initiative at the public hearing. Specifically, Commissioners wanted to ensure that the initiative will be free to the public, involve new exhibits that do not already exist, and inquired as to how it will be incorporated into the Exploratorium's fundraising program.

In the Final Staff Recommendation we clarify that all three of these concerns will be satisfied with how the Education Initiative will be required to be set up.

The new policies recommended for the SAP do require for the Sea Level Rise Public Education Initiative to be free and to include exhibits that do not already exist. Additionally, the Exploratorium has already begun fundraising specifically for the Education Initiative and it will be a new element incorporating the Exploratorium's existing fundraising and programming efforts.

With those points of clarification, to wrap up I will go over the next two steps for this Bay Plan amendment.

We are having the vote today. And if approved this will be the final time we bring this BPA in front of the Commission.

We do have a couple more steps after that.

For us administratively we have to take it to the Office of Administrative Law for approval.

And since this constitutes a change to our NOAA Coastal Management Program, we also have to submit the plan to NOAA for approval.

BCDC staff will handle these later this year if the BPA is approved.

I have the Final Recommendation up on the next slide; but before I put that up, I just want to say thank you to everyone who contributed their time to this process. I especially want to thank my supervisor Erik Buehmann and Rob Semper from the Exploratorium and Diane Oshima from the Port. They have been working on this project for many years. Diane actually retired and is still working on this project, so we really appreciate that effort, Diane.

We look forward to partnering with the Port and Exploratorium moving forward to work on this Education Initiative and to improve the Fisherman's Wharf geographic vicinity.

Chair Wasserman continued: Comments, clarifying questions from Commissioners.

Vice Chair Eisen spoke: Ben, can you remind me of the duration of time that the Exploratorium is obligated to provide these educational benefits? I know it does not start for a while, but then how long does it go on beyond that?

Long Range Planning Manager Buehmann fielded this question: I can handle that. The policy does not specify a time period. It does not say this process will last a certain amount of time. Right now, there is a draft proposal that they put together that lasts about five years. After you vote on this Amendment the permit will have to be amended, and we will probably put more specific monitoring requirements, criteria in that permit about reevaluating it. How is it working? Is it working well? Do we keep going? What do we do with this? Through the permit.

Vice Chair Eisen asked: Who is it benefiting?

Mr. Buehmann answered: Yes, who is it benefiting. And we will probably put some time periods on that for that when we make those decisions. We also intend to bring it back to the Commission for briefings over the period of its life.

Commissioner Nelson chimed in: I suspect that when I first started appearing before this Commission a long time ago, I might not have supported this proposal. The challenge we were facing then was Bay fill and eliminating unnecessary Bay fill and removing Bay fill. There has been a lot of that that has happened on the San Francisco Waterfront in the last 40 years; and the Commission is pivoting to a new challenge and that is the challenge presented by sea level rise.

So, I think it is just important to note that we have done a lot of terrific work, and the Port has done a lot of terrific work in the last several decades to meet that first challenge, eliminating unnecessary fill. And as the Staff Report indicates, we are kind of bumping up against the limits of that. Looking around, scratching around trying to find more. My instincts when I started hearing about this was, we should keep scratching, but I think that was the wrong instinct.

I think it is elegant to pivot toward the Commission's new challenge and that is the focus of this new Bay Plan Amendment on sea level rise, so I will equally support it.

Chair Wasserman asked: Any other questions?

Any questions from the public?

Arthur Feinstein commented: I am Arthur Feinstein with the Sierra Club.

I want to bring your attention to on page 45 and 46 in the document when you are talking about Piers 72,80, 94,96, 98 and India Basin. And I am bringing this up because it is just the wording that is a little problematic to me. I do not expect you to change it, but I hope you think about it in future ones.

For Warm Water Cove: Public Recreation/Open Space/Public Access, those are permitted uses. It is actually a really rich wildlife area. Lots of rafting ducks, lots of grebes and other water birds go there. So just saying Open Space does not really say that you are trying, you have a habitat that is worthy of protecting and that when you are issuing permits, you think about the habitat value.

And for India Basin even more so. Thanks to your efforts Heron's Head Park was created. This is a fantastic park in southeast San Francisco that is as rich as almost any other habitat. For a couple of years, we had the Ridgeway's rail, the endangered species. Otherwise, we have thousands of shorebirds and other waterfowl. India Basin itself is rich with rafting ducks during the migratory season, thousands of them if not tens of thousands at times. And again, all that is mentioned is Open Space in terms of permitted uses.

And the point I am trying to make, which I have not made clear, is open space can be many things but for habitat you want a certain amount of control so that the habitat exists for these critters. It is not just open water. But if you have a raft of ducks that are just floating there because that is how they conserve their energy until migration time in between feedings, you do not want too much disruption there.

And so, I am not sure whether under your McAteer-Petris Act you actually have a distinction that talks about wildlife habitat. I know in the 100-foot band you have some language, but this is out in the water. I just think you might think about how you phrase it when you know that there is an area that is particularly rich in wildlife that your permitting takes that into account. And if you look at this there is nothing to suggest that to your folks who are working on that permit issue. So, so just something to think about in the future. Thanks very much. Thank you for your public comment.

Chair Wasserman asked: Any other comments or questions from Commissioners?

Now, Ben, you may make the Recommendation.

Mr. Dorfman read the following into the record: BCDC staff recommends that the Commission adopt the attached Resolution No. 2025.01 that would:

1. Amend the San Francisco Bay Plan by modifying the San Francisco Waterfront Special Area Plan policies.
2. Amend the San Francisco Waterfront Special Area Plan maps.
3. Make necessary findings regarding the Environmental Assessment.
4. Make necessary findings that the Bay Plan amendment conforms to all applicable findings and declarations of policies of the McAteer-Petris Act.

That is the end of my presentation, thank you.

MOTION: Commissioner Dorsey moved to adopt Resolution 2025.01 in support of Bay Plan Amendment No. 3-17 to update the San Francisco Waterfront Special Area Plan, seconded by Commissioner Nelson.

VOTE: The motion carried with a vote of 20-0-0 with Commissioners Ahn, Ambuehl, Cox, Dorsey, Eklund, Gauthier, Gioia, Gilmore, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Ramos, Randolph, Showalter, Taylor, Vasquez, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Mr. Buehmann interjected: May I say just a couple of words?

Chair Wasserman replied: Of course.

Mr. Buehmann continued: I wanted to say something about Diane Oshima, who is the Port Planner. Brad Benson from the Port mentioned at the hearing last month and Ben just mentioned that Diane has been retired. She is a planner at the Port and has worked with BCDC, argued with BCDC and collaborated with BCDC for years on projects big and small. From the 2000 Special Area Plan which changed the Special Area Plan comprehensively, she helped write that. And since she retired, she has been working for years on this process. I do not know if the Port has anything else that you are working on, but I hope you are free now. I just wanted to say thank you for your collaboration, for your mentorship, for your expertise. To me you are a model of public service, so thanks, Diane.

Chair Wasserman stated: I am not sure we should let her off quite so easily; there is still a lot of work to do on this project. But I do thank everybody who has worked so hard on it. This is really a very significant step forward and is going to be a very good program so I thank you.

9. Public Hearing and Possible Vote on the Restore Hayward Marsh Project, by East Bay Regional Park District, at Hayward Marsh along the Hayward Regional Shoreline, in the City of Hayward, Alameda County. Chair Wasserman announced:

That brings us to Item 9, a public hearing and possible vote on an application by the East Bay Regional Park District to restore and enhance the Hayward Marsh System and expand the existing public access within an approximately 320-acre project site. The entire project would be managed for wildlife habitat and public access. Schuyler Olsson of our Bay Resources Permitting Program will introduce the project.

Permit Analyst Olsson spoke: Good afternoon, Commissioners. My name is Schuyler Olsson; and I am a Permit Analyst on the Bay Resources Team at BCDC.

I will now present a brief introduction to the proposed Restore Hayward Marsh Project in the city of Hayward, which is proposed by the East Bay Regional Park District.

The permitting process for this project has been managed by the Bay Restoration Regulatory Integration Team or the BRRIT, an interagency team of staff from six regulatory agencies, including BCDC, which was designed to improve the permitting process for multi-benefit restoration projects in San Francisco Bay that are eligible to receive funding under Measure AA.

After my presentation the project team will then describe the project in further detail, before I conclude with the Staff Recommendation. The Application Summary and Staff Recommendation for this project were sent to you on August 8 and August 15 respectively.

The approximately 320-acre project site shown on the right in yellow is located within the city of Hayward directly north of Highway 92 and is part of East Bay Regional Park District's Hayward Regional Shoreline, a park consisting of 1,840 acres of marshes, seasonal wetlands and public trails. The project site includes Hayward Marsh, a 145-acre pond and levee system which was constructed in the 1980s and is designed to treat wastewater effluent and provide brackish habitat for wildlife, portions of San Francisco Bay, a segment of the San Francisco Bay Trail along the site's outer levee, a portion of Cogswell Marsh located to the north and the Hayward Area Recreation District or HARD Marsh located to the south, and the Salt Marsh Harvest Mouse Preserve to the east, a muted tidal marsh area owned and managed by East Bay Regional Park District for the endangered salt marsh harvest mouse. The site is bordered by an expansive industrial area to the east and northeast, and the project site is located within a Waterfront

Park/Beach Priority Use Area designated under the San Francisco Bay Plan.

The proposed project would conserve, enhance and restore sensitive coastal resources within the Hayward Marsh system, expand and enhance existing public access and prepare the site for sea level rise. It would implement a portion of the 2021 Hayward Area Shoreline Planning Agency or HASPA Shoreline Adaptation Master Plan, which is a multi-agency climate adaptation strategy for the Hayward Shoreline Area.

The entire site would be managed for wildlife habitat and public access. The project would include a range of activities including levee breaches and modifications, Bay Trail improvements, a living shoreline enhancement, creation of nesting islands for special status birds and other birds including the California least tern, and creation of an upland area that would transition into tidal marsh habitat as sea level rise progresses and other activities.

The project would include permanent Bay fill to restore and enhance wildlife habitat and to provide shoreline protection for public access and habitats. The fill elements would include construction of a living shoreline system along and adjacent to the site's outer Bayfront levee, which is shown here on screen, which would be composed of a tidal marsh area, a rock berm overlain with a course cobble/gravel beach, rocky headlands and offshore breakwaters that would be designed to provide habitat benefits for marine wildlife and shorebirds.

Construction of a portion of an interim levee that would protect areas of wildlife habitat, and which would be capable of supporting the Bay Trail when relocated further inland in the future.

Construction of a rock toe slope to protect areas of new and existing tidal marsh from erosion is adjacent to new levee breaches into pond 3B, and installation and removal of various water-control structures to manage hydrology throughout the site.

The project would result in placement of approximately 9 acres of Bay fill. However, through the proposed levee breaches and grading changes and hydrology modifications throughout the project site it is estimated to result in a net increase of approximately 81 acres. This includes the increase in Bay jurisdictional areas of 81 acres including areas of tidal marsh and tidal open water, muted tidal marsh and muted open water and avian nesting ponds.

The project would provide approximately 1.13 acres of BCDC-required public access along the shoreline comprised of an approximately 2,730 linear foot Bay Trail segment.

The Bay Trail in this area already exists, but East Bay Regional Park District would improve the Trail by widening and resurfacing it and providing seating, signage and habitat protection fencing.

The Bay Trail may also be raised up to 2 feet to provide increased resilience to sea level rise dependent on funding and availability of fill material. The Bay Trail segment would incorporate and supersede a combined approximately 1,640 linear feet of trail that is previously required by two existing BCDC permits also issued to the East Bay Regional Park District, so it would expand on that area of required public access.

And briefly, the project has been designed to enhance the site's resilience to sea level rise. The Bay Trail, if left at its current elevation, would be above the projected mean higher high water elevations in approximately 2080 based on the intermediate high scenario of the 2024 State of California Sea Level Rise Guidance. Parts of the Bay Trail would be subject to flooding during extreme storms, and this would increase in frequency over time with sea level rise, but

the flooding would be infrequent and likely only result in short-term Trail closures.

The project would also include constructing a living shoreline, as I mentioned, that would strengthen the resilience of the levee to storms when waves and erosion. And as stated prior, the Trail may also be raised, which would provide further sea level rise resilience.

The Applicant would monitor sea level rise over time and develop an adaptation plan in the future to ensure continued public access to the site with future sea level rise, which may include relocating the Bay Trail further inland.

As I mentioned, it includes the construction of an interim levee and that could support the Bay Trail in the future when the outer Bayfront levee is no longer viable. That levee would be built above the 100-year still water elevation projected in 2090.

The project has also been designed to allow transition of habitats over time as sea level rise progresses, including a large upland area adjacent to ponds 1 and 2B that would support tidal marsh in the future. The Applicants will describe this further in their presentation.

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 as well as the Waterfront Park/Beach Priority Use Area for Hayward Regional Shoreline and Hayward Area Recreation and Park District Shoreline, which require that the area be reserved for public access and wildlife uses as is proposed by the project.

I will now cede the floor to Chris Barton of East Bay Regional Park District to discuss the project in further detail.

Mr. Barton presented the following: Thank you, Schuyler. Good afternoon, Chair Wasserman, Commissioners, members of the public. My name is Chris Barton; I am with East Bay Regional Park District.

The Park District is seeking authorization to advance a project to address some critical wildlife and water quality issues at a former wastewater treatment marsh, and also to implement some interventions to the Bay Trail for sea level rise resilience.

Schuyler did a great job on the project location. It is located along the waterfront in the city of Hayward. If you are driving down Route 92 it is right, if you look past the Hayward Area Recreation District Visitor Center you could see the marsh out in the distance.

The project area is within Hayward Regional Shoreline. It is within a subset of the larger Park area.

The wastewater treatment facility was built in the 1980s basically by creating a series of dikes for routing water through the system. The idea is that as the water routes through the system the water becomes more and more clean before it goes into San Francisco Bay. I will run through a series of slides here just to illustrate how it works.

The water would come into Pond 1 here. This is already treated wastewater effluent so in a sense it is really polishing the water to make it cleaner. It will work its way through Ponds 2A and 2B. And then it would get into this mixing channel where it would mix with San Francisco Bay water and eventually make its way through Ponds 3B, 3A, and eventually back out to San Francisco Bay. There is also water flow that comes from a flood control channel where it goes through the Salt Marsh Harvest Mouse Preserve, which is a muted tidal marsh area. And that is where it connects right there at that arrow with San Francisco Bay water.

There have been some successes with this project. The Hayward Marsh has one of the densest breeding populations of California least tern north of Ventura County. It is a hotspot for Western snowy plover, and there are other endangered species there. There are also genetically verified salt marsh harvest mice that are within a muted tidal marsh area. So, that's on the upside.

One of the challenges that we have out there is with sea level rise we are going to lose some of this habitat. Our Stewardship Department, our wildlife folks have been managing these areas and that is why we have had such great success with the wildlife management out there and we are seeing great numbers.

The challenge, though, that we have is as we lose that habitat we need to come up with a plan. So, in a sense this project is a contingency plan that takes the science. There are numerous publications that our wildlife staff have put out and that is what our design is based on, so this is really a contingency intervention recognizing with catastrophic habitat loss that some of these species are just not going to be around anymore.

With all that, our Board of Directors authorized us to move forward in 2020. It has been about a five-year process. As Schuyler mentioned, we have been working with the Bay Restoration Regulatory Integration Team on this for five years. Our Board of Directors has looked at this numerous, numerous times.

We did have a Public Outreach and Participation Plan, which included a project website, brochures, surveys, workshops, multiple site visits, public meetings with our Board and Executive Committee meetings. Also, our Legislative Affairs staff have organized multiple events to visit the site.

Schuyler mentioned the HASPA, the Hayward Area Shoreline Planning Agency Shoreline Adaptation Master Plan. Essentially, this project is implementing that plan. Three things, key things it is doing.

Number one is we are going to keep the Bay Trail along San Francisco Bay as long as possible.

There is an adaptive retreat approach for the San Francisco Bay Trail and the Least Tern Islands, essentially creating an area for the Trail to retreat to further into the future when it is needed.

And then same with the Least Tern Islands. We have some redundant islands that are in a more protected area so that habitat can continue and be available.

And then the third is to improve connectivity to the marshes. Because right now the current design is it is this kind of diked-in levees with water flowing through it. So, there is some tidal marsh restoration, and we have also incorporated some design elements to physically and hydrologically connect the marsh.

The project has been prioritized because the Park District did conduct a comprehensive look at the San Francisco Bay Trail to find out which segments of Trail are most vulnerable to sea level rise. Hayward Marsh, this area south in the southern Park District area is most vulnerable so that has motivated us to prioritize this for intervention sooner than later.

Four project goals. One is enhanced wildlife habitat, plan for sea level rise, improve public access opportunities and improve our management capabilities. I think most of these are pretty self-explanatory, but for the last one, it is kind of a more practical issue for us as it is very difficult to get equipment out there to make repairs because of how narrow the Trail is out there and just the distance spanning out there to do work so we have tried to address that with our design.

I am going to run through a series of the same slides, but I am going to try to walk you through the different key project elements.

The Visitor Center is down here and the San Mateo Bridge is down here, just to orient folks. The Gold Line is the San Francisco Bay Trail. The Bay frontage of the project is up here. The dashed line, that is all managed pond.

Back in the 1980s when this was designed, that is what it has been designed for, for water to be able to move through the system so that fresh water can be managed. That was really the motivation for that action back in the 1980s. But since the water is not flowing through there right, we are moving on with this intervention.

If we fast forward with 2 feet of sea level rise, we see most of the marsh complex transitions to muted tidal marsh.

And then if we fast forward further out closer to 2080, 4 to 5 feet of sea level rise, we will see mud flat.

So, from a land cover standpoint this really was not acceptable to us. When we went into looking at our design, our goal is to have a range, a diverse range of habitat types over time.

So, we did go through a process of looking at different alternatives. First, ranging from, can we maximize tidal wetlands now? And the second was, how can we make it very resilient into the future?

So, what we end up with is our preferred concept that our Board adopted. So, we did present these multiple alternatives, brought it to our Board of Directors, and this is what we came up with. The pie graph here just shows roughly the habitat breakdown that will be offered out the gate when the project is completed.

And just turning to the project goals, I would like to walk through the project goals and how we are meeting those goals with this design.

At the heart of the project is this dashed red line which is a large levee. What this allows us to do is to control water levels for everything that is to the east of the line. Here I just highlighted the Least Tern Islands that I have been talking about. Over here, this is where we have the very successful least tern colony over here. Part of this design is to build upon what we have learned from creating these islands, expand the islands, build more, and then also build several of these islands in a more protected area behind this new levee.

If you look very closely, I am just going to flash back and forth because it is easier to see the change. But there is currently a levee where you see that dark green line. So, we will be taking down that levee so that we could connect that muted tidal marsh with the newly created uplands. And that will be beneficial when we have higher water levels. Salt marsh harvest mice will have a place to go.

And then this next change you can see here is that we will be taking down a levee that will connect Pond 3B to Hard Marsh. You cannot see it as much, but there will be a water control structure that will also connect Pond 3B with Cogswell Marsh to the north.

This next line is showing, Schuyler had a good graphic that showed the living shoreline elements, and I am just showing the general area where they are located. It is that red dashed line along the Bay front.

Turning to public access and management capabilities. Again, this large levee that we will be constructing is designed so that it can be a future, redundant alternative alignment for the San Francisco Bay Trail when it is needed.

We have also looked at rerouting water. We are no longer going to have water control structures that are fronting the Bay. We found from talking to some of our partners that also own property fronting the Bay that there are large debris racks and issues that we have with having these inlets and outlets fronting the Bay. So, the water that is going to come into the system through the tidal marshes from the north and the south, from those two marshes.

This graphic here, I am just flashing how we are going to be widening the Bay Trail. There is a bit of a circuitous alignment of the Bay Trail through there. It is going to be widened out so we will have more space for turning radius for vehicles to get through there and have more of a gathering spot for the public with some public access interpretive signage and benches.

This next series of slides I just wanted to show with 2 feet of sea level rise how does our design respond?

The main change that we see here with 2 feet of sea level rise, and I will toggle it back and forth, the main thing that is changing is that Pond 3A where the least tern colony is located will no longer be a managed pond. We will lose our ability to manage water levels there. But you can see Pond 2A will continue to be a managed pond that we could use for wildlife management.

If we fast forward even further out, so closer to 2080, what we can see is a lot of mud flat, but we will have tidal wetlands still at Pond 3B, 2B, Pond 1. These living shoreline elements will still be performing. They could be providing offshore roosting island habitat and also still providing erosion control, offsetting some of the high wave and wind energy that is hitting the shoreline there.

Next steps. The Park District is seeking BCDC's authorization to be able to proceed with this project. There are several other permits that we are lining up, other authorizations that we need, but this is one of them.

We are still in fundraising mode.

My Board of Directors still needs to look at the overall implementation of this project after it is shovel-ready with permits in hand.

We do have an implementation outreach date of the project. Once we are ready to proceed, we will reengage our stakeholders to remind them of this project, why we are doing it, why it is important. And also, some of the more practical coordination things so that they will be aware of any actions on the ground to keep everyone safe and to avoid any inconveniences.

And then we hope the last step would be to go to construction.

That concludes my presentation. I am happy to take any questions. I do have some members of our project team available as well.

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

Commissioner Nelson chimed in: Two questions. Chris, really great proposal, thank you, and great presentation.

Two questions. The first is about the least tern. You just told us that as sea levels rise you expect to lose the ability to manage water in Pond 3A and that will become a tidal basin instead of a managed pond. Does that mean the least tern nesting island that is there is going to be lost and inundated? What do you expect? What is going to happen to that island? Do you try to raise it? I know you are adding that additional island east of that, east of the new levee, but what happens to the existing island?

Mr. Barton replied: Correct. We are expecting it to be inundated so it would no longer function because we will no longer be able to control water levels so it will be underwater, essentially. The challenging thing there is that there's endangered species there now. We are going to try to make their home better. We are going to expand it so that in the near term they will have more area. We are going to replicate that design, make it larger. But we are recognizing that it is not a forever solution. That is why we have the giant levee and then we have got the other island.

Commissioner Nelson continued: So, it is not workable to raise that elevation over time of that existing island? Just curious.

Mr. Barton stated: That is not part of the plan. Part of the challenge is that they are there. Raising the elevation of the island in progress while they are still living there. It is like if you have a tenant in place and you are trying to make improvements to it while they are living there. It is pretty tough.

But I will add, though, that this is not a one-and-done solution. Because I showed the slide past 2080. It is not all doom-and-gloom because we are expecting that our successors, there will be other interventions that will happen. And the data that we are collecting on wildlife management and the actions that we are taking today will be used in the future to hopefully prolong the survival of these species.

Commissioner Nelson continued with questions: Thanks. Second question, can you help us understand how the fencing for wildlife protection is going to work. You need to strike a balance between not wanting to degrade the public experience out there and also not wanting to have the fence cause wildlife impact. Can you tell us how that fencing is going to work.

Mr. Barton noted: The unique thing with this site is it was a former wastewater treatment facility. So, the Bay Trail is the public access here and it is along the Bayfront. Since the 1980s there has been fencing keeping people from going into the wastewater treatment marsh and we will be continuing to manage it that way.

So, we are proposing new fencing, but it will just be lower fencing just to remind folks that they should not be venturing into the - because it really is being managed as a wildlife reserve where people should not be going into it.

Commissioner Nelson asked: So, is it adjacent to the Trail? Is it down at the toe of the levee? I have not been there.

Mr. Barton answered: It is more at the toe of the levee at the Bay front.

Commissioner Kishimoto was recognized: Thank you for your presentation. I serve as Alternate to Supervisor Otto Lee but I also serve on the Mid-Pen Open Space Board and so we have similar issues on the other side of the Bay at the mouth of Stevens Creek. I was wondering, has snowy plover been a big part of your discussion? And also, I wonder if you could discuss predation issues?

Mr. Barton explained: Yes, that's a great question. What is very unique is that the Western snowy plover shares the same island as the California least tern. Our wildlife biologists have explained that this is pretty unique, and they actually interact and rely on one another in their breeding behaviors. So, they are there, and the design of our islands will, the idea there is that since they are coexisting, they are both enjoying the island, that they would they would all benefit, they would both benefit from it.

Commissioner Kishimoto asked: And then predation.

Mr. Barton replied: Predation. There is a predator control program out there. One of the key things that we have there is, I mentioned the water levels are an issue out there for managing the wildlife. The key function there is that it is the water that protects the more terrestrial, the land-based predators like fox, cats and those kinds of things. So that's how we address it with the design. There are avian predators, and our wildlife department has ways that they address that. But yes, we do have a active predator management program in place at the park and there has been for many years.

Mr. Olsson interjected: Can I add something?

Chair Wasserman replied: Sure.

Mr. Olsson added: I just wanted to respond, actually it is kind of relevant to both questions, but I just wanted to. Commissioner Nelson had asked about wildlife impacts with the fence. I want to let you know that the East Bay Regional Park District does intend to include measures to reduce the risk of the public access features creating predation opportunities for avian predators. The Bay Trail is actually quite far from where the least tern and the Western snowy plover would be nesting, but tidal marsh will be around there that could serve as habitat for other special status species. And so, the permit would require and the East Bay Regional Park District is planning to do measures to reduce the predation, to ensure it is not creating predation opportunities for avian predators.

Vice Chair Eisen noted: I do not think I have ever been at a meeting where we talked about birds as much, which is great. I always feel bad about birds that have least in the front of them, like there's something lesser about them. But the least tern, of course, is the smallest tern and that is why it is called the least tern. And just so everybody knows, the largest tern in the world is also in the San Francisco Bay Area, the Caspian tern, so we have got it all.

I have been to Hayward Regional Shoreline more times than I can remember and I have seen hundreds of different species there, including burrowing owls, which are adorable.

But one of the things I wanted to mention about it because we have been focused on ponds and mice. People use that Hayward Regional Shoreline Bay Trail like no other place I know in the Bay Area. And it's not just birders, it's bikers and families and walkers getting their 10,000 steps in. It is just an incredible array of the Bay Area's population using that area. It is a fantastic area, and I am so grateful that you are doing what you're doing so I do not have to have my grandchildren saying, I wish I could have seen that. They are going to see it because of what

you are doing. Thank you so much.

Executive Director Goldzband shared a play on words: Chair Wasserman, I guess that means that one good tern deserves another? (Group laughter)

Chair Wasserman responded: Oh, I could start restricting.

Commissioner Showalter chimed in: I sent a couple of questions to Schuyler before the meeting and he was kind enough to answer them. So, I am going to sort of share the questions and the answers and maybe they will want to add a little bit more.

Basically, as I read through this, this seemed to me to be very, very similar to some of the work that is being done in the South Bay Salt Ponds. It is not the South Bay Salt Ponds, it is north of there, but it is very similar, and the science that they are evaluating is very similar.

I really commend the East Bay Regional Park District for taking this on because it is a very significant project but it's also very complicated and costly. So, thank you very much, first of all, for doing that.

But I did want to bring up how this is similar to other work that is going on in other parts of the Bay. I think as a Commission who oversees what goes on in the edge of the Bay, it is really important for us to make sure that there are connections between all these projects as they move forward and learn and share science.

I know that, for instance, the South Bay Salt Pond has a very extensive adaptive management program; and it sounds like the East Bay Regional Park District has an ongoing one too that is pretty rigorous. So, I just wanted to ask the question about, are they working together and is there anything that BCDC is doing to help that cross-pollination?

Mr. Barton answered: The East Bay Regional Park District has a Stewardship Department and they are on working groups for various species. There has been some direct collaboration with the design of this Hayward project. I believe John Krause from the South Bay Salt Ponds, he is staff who shared with us some information that we actually plugged into the design of our project, so there is collaboration.

The other thing I would like to point out too is all of our monitoring reports, everything will be posted to EcoAtlas so it is kind of a larger collaborative database, if you will, where you can look at different projects throughout the Bay and share that information. But the actual details of day-to-day collaboration between our Stewardship folks and the staff of South Bay Salt Ponds, I cannot speak directly to that.

Commissioner Showalter continued: Okay. One of the things I have brought up several times as a Commissioner here and I will continue to bring it up, is how important adaptive management is. So, I hope that it is one of the things that this Commission will, as we move forward with these habitat programs and using nature-based solutions to protect from sea level rise, I hope that we will help make sure that the adaptive management sharing of information goes forward and will support that.

So, I am going to bring it up this time. I am delighted to see this project and I am glad that John Krause is providing connective tissue for you. He has been working on the South Bay Salt Ponds for at least 15 years, so he knows a tremendous amount about it and that is a great resource. And I would think that other members of the BRRIT Team would also be like that. But it is just something ongoing as we learn more about how to do these nature-based solutions. I think it is important for our Commission to assist with that scientific transfer. So that is why I am

asking this question and thank you so much for this project.

Chair Wasserman asked: Any other Commissioners?

I do not see any. Do we have any comments from the public?

(No members of the public addressed the Commission.)

Chair Wasserman continued: I assume then there are no other questions. I would ask for a motion and a second to close the public hearing.

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

Chair Wasserman called for the Staff Recommendation: Will you present the Staff Recommendation, please, Schuyler.

Mr. Olsson read the following into the record: Yes. Staff recommends approval of the Restore Hayward Marsh Project, BCDC Permit Application No. 2024.005.00 with the conditions described in the Staff Recommendation and summarized on this slide, including to:

- Provide 1.13 acres of required public access and associated public access amenities;
- Monitor and manage newly created tidal wetland areas and other habitat areas;
- Monitor, report on, and adapt to future sea level rise and flooding; and
- Protect natural resources, water quality, and public safety in San Francisco Bay and required public access areas.

The staff believes that the project is consistent with the requirements of the McAteer-Petris Act and the San Francisco Bay Plan.

MOTION: Commissioner Kishimoto moved approval of the Staff Recommendation, seconded by Vice Chair Eisen.

Chair Wasserman asked: Does the Applicant accept the Staff Recommendation?

Mr. Barton replied: Yes.

Chair Wasserman called for a vote: Yes, thank you. Please call the roll.

VOTE: The motion carried with a vote of 20-0-0 with Commissioners Ahn, Ambuehl, Cox, Dorsey, Eklund, Gauthier, Gioia, Gilmore, Hasz, Hermosillo, Kimball, Kishimoto, Nelson, Ramos, Randolph, Showalter, Taylor, Vasquez, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman acknowledged and continued: Thank you all very much. Thank you for the presentation and the work on a great project.

10. Public Hearing and Possible Vote on Mare Island Dry Dock, LLC., and the Nimt Group, LLC. Application for Amendment No. Ten to BCDC Permit No. 2009.003.00 to Recommission Dry Dock 1, Dredge Berth 11, and Approach.

Item 10 was postponed.

11. Adjournment. There being no further business, the Commission meeting was adjourned at 2:37 p.m.