

Permitting for a resilient shoreline

Program updates

BCDC Rising Sea Level Commissioner Working Group
June 5, 2025

Ethan Lavine, Assistant Regulatory Director for Climate Adaptation

Today's discussion

- Update on permitting improvements
- Deeper dive on concepts for regulation updates to expand use of administrative permits for habitat projects

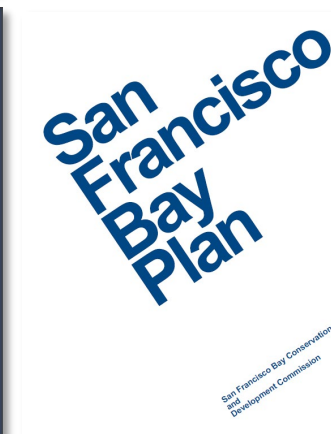
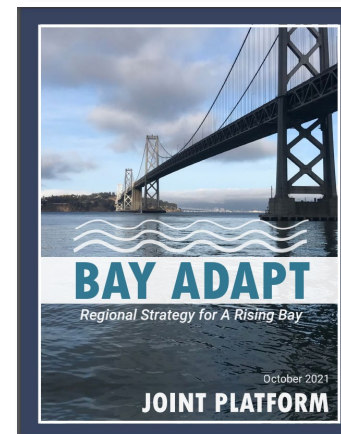
Update on permitting improvements

What we're setting out to do

Goals

- Permitting that's more effective, efficient, and transparent
- Greater capacity to implement the region's resilience vision

Implement recommendations from



Preparing to launch new pre-application process

- Standardized process replaces ad hoc approaches
- Shared expectations between staff and applicants
- Set milestones and work toward earlier decisions on key issues
- Launch-and-iterate approach, with more tools in development
- Applicant feedback shapes ongoing improvements

The screenshot shows the BCDC website's 'Pre-application meetings' page. The header includes the BCDC logo and navigation links: What we do, Programs, Resources, Commission, Advisory groups, Meetings, About, and Contact us. A search bar is located in the top right. The breadcrumb trail reads: Home / Programs / Permits / Pre-application meetings. The main heading is 'Pre-application meetings', followed by a subtext: 'Meet with us early if you're planning a larger or complex project. You'll get free, personalized guidance on how to meet BCDC requirements.' Below this is a table of contents with links: 'What is a pre-application meeting?', 'How it works', 'Who needs a pre-application meeting?', and 'What we expect from you'. The 'What is a pre-application meeting?' section explains that building a project along the bay can be complex and that meeting with BCDC before applying for a permit can save time and effort. It lists three benefits: understanding BCDC policies, identifying and resolving issues, and tracking key milestones. The 'How it works' section features three buttons: 'What the meeting will cover', 'Schedule your meeting', and 'Prepare for your meeting'. The 'Who needs a pre-application meeting?' section states that BCDC highly recommends scheduling a meeting for projects that are larger or more complex, could significantly impact the bay and shoreline, involve or impact public access, require large amounts of bay fill, or are in environmentally sensitive areas.

San Francisco Bay Conservation and Development Commission

Search

What we do Programs Resources Commission Advisory groups Meetings About Contact us

Home / Programs / Permits / Pre-application meetings

Pre-application meetings

Meet with us early if you're planning a larger or complex project. You'll get free, personalized guidance on how to meet BCDC requirements.

What is a pre-application meeting?	What is a pre-application meeting?
How it works	Building a project along San Francisco Bay can be complex. Meeting with us well before you apply for a permit can save you time and effort later on.
Who needs a pre-application meeting?	Pre-application meetings can help you:
What we expect from you	<ul style="list-style-type: none">• Understand how BCDC policies affect your project• Identify and resolve potential issues before you apply• Track key milestones in the permitting process

How it works

[What the meeting will cover](#)

[Schedule your meeting](#)

[Prepare for your meeting](#)

Who needs a pre-application meeting?

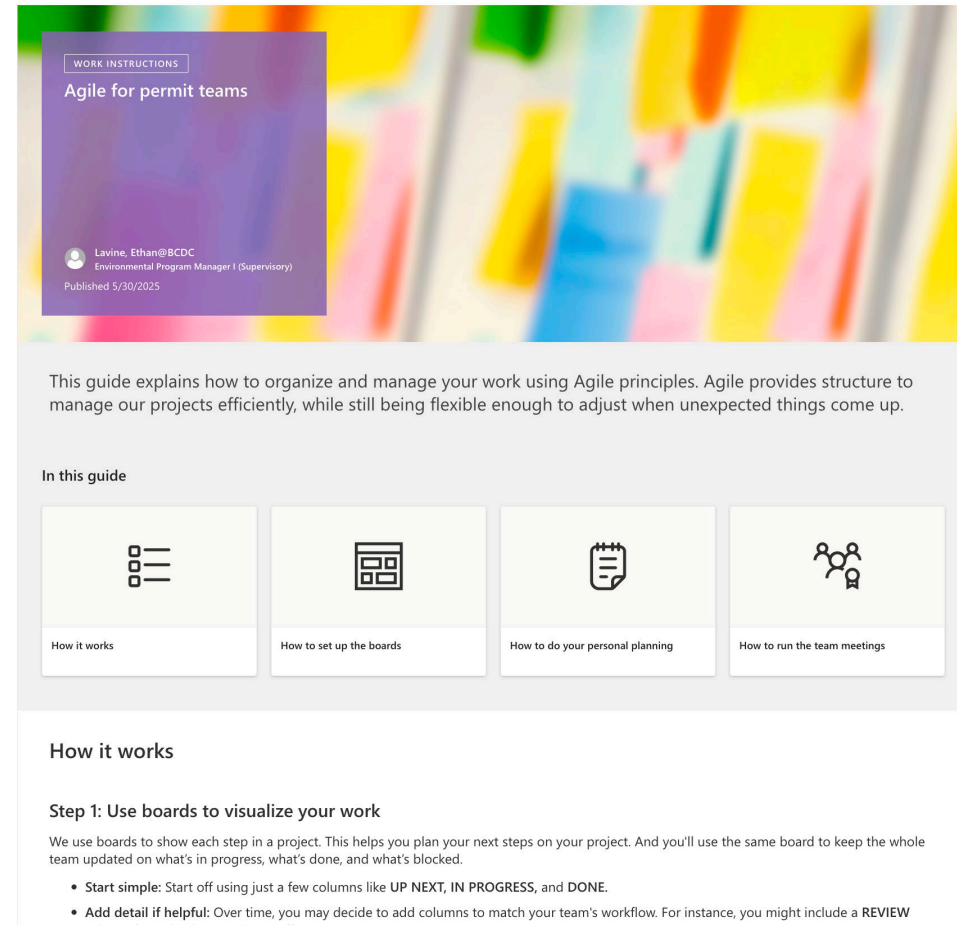
We highly recommend scheduling a pre-application meeting if your project:

- Is larger or more complex
- Could significantly impact the Bay and its shoreline
- Involves or impacts public access
- Requires large amounts of Bay fill
- Is in an environmentally sensitive area

Piloting Agile methods for permit teams

Agile is a flexible, iterative approach to project management focused on collaboration and rapid delivery.

- Breaks complex permitting work into manageable steps
- Makes priorities and progress visible to keep teams aligned
- Surfaces issues early so they can be resolved quickly
- Supports faster, more consistent decision-making



Staff training and capacity building

- Regulatory staff training series on regional goals for ecosystems and habitat
- Training and support for accelerating adoption of Nature-based Solutions
- Agency-wide training on writing in plain language

What plain language is

Plain language myths

It's not "dumbing down"


Even readers who understand complex language would rather read plain language.

It's easier for everyone.

It's not less accurate

Plain language:

- Dispels the "fog" created by complex language
- Uncovers inaccuracies
- Gives people words they can understand



Introduction to California's plain language standard

18

Michael Sullivan

What's next?

Interagency coordination

Improve alignment with state and federal partners

Technology upgrades

Online application system, public-facing permit portal, and integrated project management tool

Additional regulation updates

Streamline the application, major permit, and administrative permit processes



Deeper dive on proposed regulation updates

To expand use of administrative permits for habitat projects

Overview of proposed regulation updates

At the May 15, 2025, Commission meeting, staff proposed following concepts:

1. Streamline and improve the regionwide permit program
- 2. Expand the use of administrative permits for habitat projects**
3. Reduce permitting burdens for straightforward and routine activities
4. Make additional updates to clarify and improve the regulations

What are administrative permits?

Administrative permit

- For activities defined as “minor repairs and improvements”
- To approve, must be consistent with law and policies
- 90-day processing timeline
- Listed for Commission before ED takes action
 - No hearing and vote unless Commission votes to do so
- Lower application fees

Major permits

- For activities *not* defined as “minor repairs or improvements”
- To approve, must be consistent with law and policies
- 90-day processing timeline
- Require public hearing and Commission vote
- Higher application fees

How do the current regulations work?

The following activities are considered “minor repairs or improvements” that qualify for an administrative permit:

- **In the Bay and certain waterway jurisdictions**
 - Up to ~½ acre (20,000 square feet) of fill for habitat restoration or enhancement
 - Extraction or dredging of up to 10,000 cubic yards of materials to enhance tidal connectivity or restore habitat or the disposal of such materials within an existing site for such purposes
 - Shoreline protective works up to 10,000 square feet
- **In the 100-foot shoreline band**
 - No size limitations provided no significant adverse impact on the environment
- **In salt ponds and managed wetlands**
 - Up to 50 acres of habitat restoration or enhancement
 - Extraction or dredging of up to 10,000 cubic yards of materials to enhance tidal connectivity or restore habitat or the disposal of such materials within an existing site for such purposes

Concept to expand use of administrative permits for habitat projects

Proposed amendment: New regulation Section 10601(e)(5)

Expand the use of administrative permits to any habitat restoration, enhancement, or establishment project up to 1,000 acres in total area that will result in a net increase in habitat resources or functions.

Goals of proposed change



Accelerate implementation of projects designed to achieve regional habitat goals and ensure successful adaptation of Bay habitats.



Expedite permitting with a clearer, more predictable, and less burdensome process.



Align BCDC's permitting program with other regulatory agencies that have undertaken streamlining efforts for habitat projects.

Concerns we heard on May 15

- Is 1,000 acres the right threshold?
- Is an administrative permit review process robust?
- Would problematic projects qualify for expedited review?
- Does the administrative process provide adequate transparency and opportunities for public engagement?

Issues to explore

How do we...

... increase the number of habitat projects that qualify for administrative permits?

- Is 1,000 acres the right threshold?

... establish standards that expedite appropriate, well-designed projects?

- How can we create guardrails to ensure successful outcomes?

... ensure a robust and transparent public process?

- How do we allow for meaningful public participation within an administrative process?

Issues to explore

How do we...

... increase the number of habitat projects that qualify for administrative permits?

- Is 1,000 acres the right threshold?

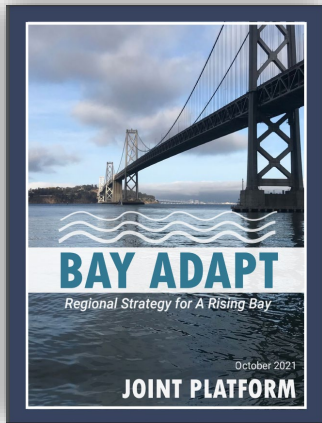
... establish standards that expedite appropriate, well-designed projects?

- How can we create guardrails to ensure successful outcomes?

... ensure a robust and transparent public process?

- How do we allow for meaningful public participation within an administrative process?

Accelerating permitting is needed to successfully adapt Bay habitats



ACTION 7

Refine and accelerate regulatory approvals processes.

Goals:

- ▶ Less time and fewer resources spent on permitting adaptation projects so they can be constructed ahead of sea level rise.
- ▶ Updated laws, regulations, and policies that reflect the changing shoreline.

Other agencies are taking steps to fast-track habitat projects:

- Water Board Statewide Restoration General Order
- Army Corps' Nationwide Permit 27
- CDFW Restoration Management Permit
- Streamlined CEQA

Additional drivers

- Habitat projects are eligible for BCDC administrative permits at lower rates than other projects
- Increasing experience in the region with restoration projects and techniques

If concept had been in place in the past...

Project (Year Issued)	Total area (Acres)	Under the 1,000 acre concept		
		Remains Major	Becomes Major	Becomes Administrative
Napa River Salt Marsh Restoration Project (2005)	4,500	✓		
South Bay Salt Pond Restoration Project, Phase 2 (2018)	2,400	✓		
South Bay Salt Pond Restoration Project, Phase 1 (2000)	2,270	✓		
Montezuma Wetlands Restoration Project (2001)	1,800	✓		
Bel Marin Keys Unit V Expansion (2018)	1,600		✓	
Bair Island Restoration Project (2007)	1,400	✓		
Hill Slough Tidal Marsh Restoration (2017)	950			✓
Chippis Island Tidal Restoration Project (2025)	900			✓
Bradmoor and Arnold Restoration Projects (2021)	609			✓
Tule Red Tidal Restoration Project (2016)	420			✓
Lower Walnut Creek Restoration Project (2020)	279			✓
Bay Point Restoration (2018)	31			✓

Issues to explore

How do we...

... increase the number of habitat projects that qualify for administrative permits?

- Is 1,000 acres the right threshold?

... establish standards that expedite appropriate, well-designed projects?

- How can we create guardrails to ensure successful outcomes?

... ensure a robust and transparent public process?

- How do we allow for meaningful public participation within an administrative process?

Major and administrative permits are reviewed by same standards

- Fill projects must:
 - Thoroughly evaluate impacts
 - Limit fill to purposes that provide substantial public benefits, and only if no feasible alternative to fill
 - Design to minimize, and if possible avoid, harmful effects
 - Scale fill appropriately to meet projects objectives, including considering long-term adaptability
- Habitat projects must:
 - Include clear specific goals, a monitoring program, and an adaptive management plan
 - Provide thorough analysis of design, including its resilience to climate change
 - Level of design, extent of monitoring, and complexity of adaptive management consistent with purpose, size, impact, level of uncertainty and lifespan of project
- Size, design, and management of pilot and demonstration projects must minimize project's potential to negatively impact Bay habitats and species

Projects that wouldn't qualify

- Multi-benefit projects where habitat restoration, enhancement, or establishment is not the main goal
 - Projects focused mainly on flood protection
 - Projects focused mainly on recreation

Existing regulations can focus on details that miss the bigger picture

- Categorize projects based on discreet elements (e.g., amount of fill and dredging) in BCDC jurisdictions
- Focus on individual elements might not always reflect overall significance or potential impacts of projects

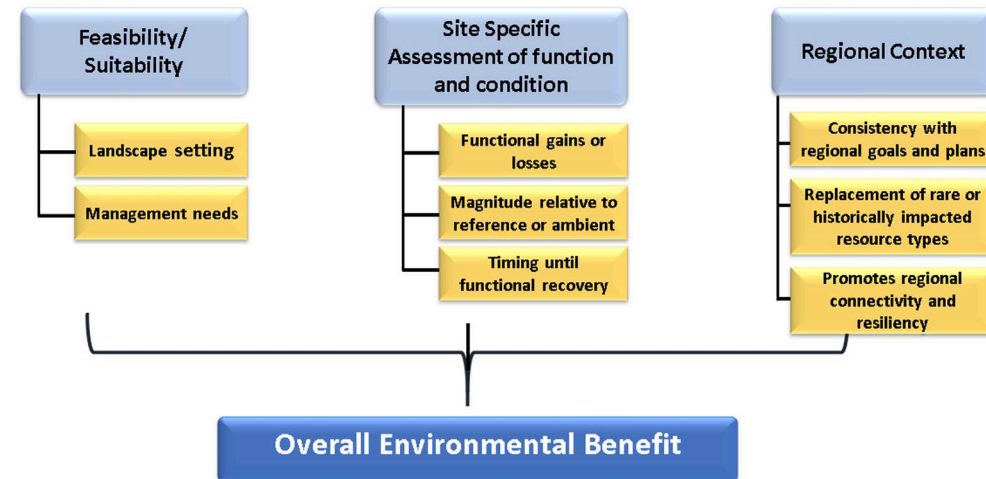
Existing regulations don't have clear standards on what projects qualify

- The existing regulations have ambiguous standards around what habitat projects qualify for administrative permits
 - No “significant adverse habitat conversion impacts”
 - No “significant adverse effect...on the environment”

Create clearer standards on what projects qualify

- Require potential applicants to submit results of Aquatic Resource Type Conversion Evaluation Framework Version 2.0 or equivalent evaluation
- Same evaluation can be utilized by other reviewing agencies

TYPE CONVERSION EVALUATION: CONCEPTUAL APPROACH



Aquatic Resource Type
Conversion Evaluation
Framework, v 2.0

Issues to explore

How do we...

... increase the number of habitat projects that qualify for administrative permits?

- Is 1,000 acres the right threshold?

... establish standards that expedite appropriate, well-designed projects?

- How can we create guardrails to ensure successful outcomes?

... ensure a robust and transparent public process?

- How do we allow for meaningful public participation within an administrative process?

For projects that would become administrative under this concept

- Patterns observed in recent public hearings:
 - Unanimous Commission votes to approve
 - No modifications to staff recommendation
- Close interagency coordination
 - BCDC one of last approvals
 - Often BRRIT projects

Working toward better online public portal

The screenshot shows the BCDC Permit application tracker page. It includes a search bar, navigation links, and a table of permit applications. A large blue arrow points from this page to the Seattle Services Portal page.

San Francisco Bay Conservation and Development Commission

What we do | Programs | Resources | Commission | Advisory groups | Meetings | About | Contact us

Home / Programs / Permits / Permit application tracker

Permit application tracker

Find information on the status of a BCDC permit application. Or look for projects near you.

Filter:

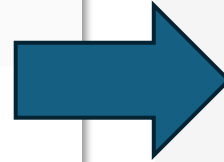
Permit type: [dropdown] Local jurisdiction: [dropdown] Status: [dropdown]

10 entries per page

Search: [input]

Permit number	Permit type	Local jurisdiction	Project description
NOI2025.019.00	Regionwide	City of Alameda	Retrofit four existing storm drain outfalls and install overflow inlets.
M1984.037.05	Non-Material	City of	Improve an existing restaurant

This table shows applications received since



The screenshot shows the Seattle Services Portal page. It includes a search bar, navigation links, and sections for finding existing records and creating new ones.

Seattle

Home | My Records | Help

Register for an Account | Reports | Login

Seattle Services Portal

Find Existing

To check status, renew, make changes, pay or schedule, find the permit or record through [search](#) or use the [My Records](#) tab.

Search by Address or Record Number

[Search All Records](#)

Narrow your search by category

Search by record type, record status, date, or address range within a category.

Choose a category [dropdown]

[Pay fees on a record](#)

[How do I schedule an Inspection or Appointment with SDCI or SDOT?](#)

Create New

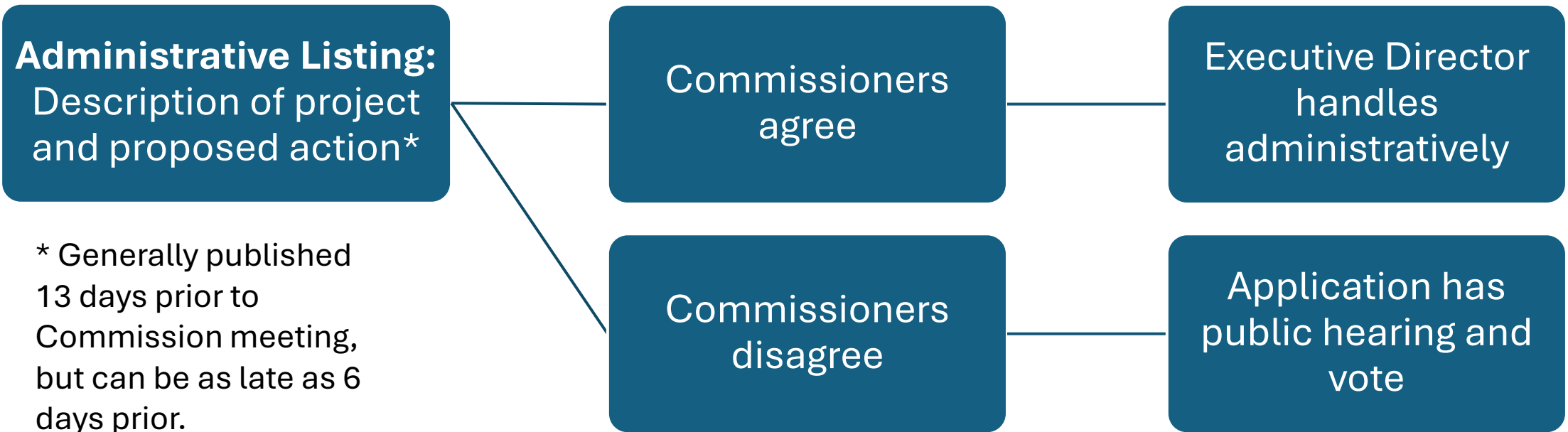
This portal is used by City of Seattle departments to manage applications and requests. Use the categories below or the [Application Index](#) page to start an application/request in the Seattle Services Portal.

Commercial Building Tune-Ups

Claim a building, submit a Building Tune-Up Summary Report, and request Alternative Compliance, an Extension or Waiver to comply with the Building Tune-Up Ordinance requiring efficiency assessments and repairs in commercial buildings 50,000 square feet and larger.

How the administrative listing works now

Project is a “minor repair or improvement”
eligible for an administrative permit?



Questions for Commissioners

How do we...

... increase the number of habitat projects that qualify for administrative permits?

- Is 1,000 acres the right threshold?

... establish standards that expedite appropriate, well-designed projects?

- How can we create guardrails to ensure successful outcomes?

... ensure a robust and transparent public process?

- How do we allow for meaningful public participation within an administrative process?