

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 June 4, 2026 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:06 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 hybrid BCDC Commission meeting. My name is Zack Wasserman, and I am the Chair of the Commission. I want to thank the Commissioners who are here at Metro Center, particularly for responding to our call to participate directly in this workshop, as well as those who are participating in the business part of our meeting.

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, Dumlao (represented by Alternate Pemberton), Eckerle (represented by Alternate Kimball), Eklund, Gauthier, Gioia, Gonzalez, Gunther, Hermosillo, Janoff, Ramos, Randolph, Showalter, Tam (represented by Alternate Gilmore), and VACANT (Nelson). Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego, Taylor), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), City and County of San Francisco (Dorsey), Governor (Hasz), Santa Clara County (Lee), Solano County (Mashburn), Marin County (Moulton-Peters), Business, Transportation & Housing (VACANT),

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

(No members of the public addressed the Commission.)

Chair Wasserman continued to the Report of the Chair.

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

a. Rising Sea Level Working Group: We had a very interesting, and I think productive Rising Sea Level Working Group meeting this morning. We had presentations from the California Coastal Commission, from a group of students at Northeastern University who have been looking at financing and government mechanisms to address rising sea level, and a presentation from the Boston Green Ribbon Commission on its activities.

The first one was really showing what our sister agency is doing about rising sea level. For those who by chance do not know, the Coastal Commission has been dealing with local plans that were mandated as part of the Coastal Commission Act, which we do not have or did not have before SB 272 anyway, for some time.

One of the things I took away from it was that although they have had that requirement for a long time, and they do have a little bit more of a stick because if the local agencies under the Coastal Commission Act have adopted a coastal plan then they can make their decisions locally and it does not have to go to the Commission. If they do not have a plan it has to go to the Commission.

Nonetheless, there are a fair number of localities who have not adopted that plan and there is no stick beyond that.

They are integrating that requirement with the 272 requirements and that is still a process in work. It sounds to me like they are about where we are in terms of real progress.

The Northeastern group presented some very new, interesting concepts and contexts. They did a nation and international sort of comparison, but focused on our locality and how it applies to our locality.

Had some observations about how to motivate people with greater investment possibility but low engagement and how to change that dynamic that I believe we will continue talking about.

The Boston Green Ribbon Commission, which is not actually a Commission, is a nongovernmental agency created 10 years ago, a little longer than that, a dozen years ago give or take, by the mayor and a local philanthropist to really both help but push the city of Boston in its sustainability efforts. It is now looking very significantly but not exclusively at adapting to rising sea level.

And again, faces very similar problems to ours, but has at least succeeded in mobilizing, I think, some segments of the community to participate more actively than we have, so there are some lessons for us to learn there.

One of the things I took away from it, inspired in part by a comment by Commissioner Gioia about yesterday's election being bad for those who are looking for measures to create new taxes and bond measures across the state, I think we collectively have forgotten the lesson.

If you go back 25 or 30 years in this state, up and down the state, it typically takes two or three times to pass a school bond, a sort of standard procedure. Part of what happened there is that the election campaigns were really educational efforts, and it took both that amount of effort and that context and motivation of a political campaign to generate the funds to do the education, but it is not quick.

I think in the intervening years we have become in a certain sense a little spoiled because those measures have become much easier to pass; and I think Tuesday's lesson was we need to go back to recognize we need much more education. Hopefully not doing it only every two years in a bond measure effort, but I think that is going to be part of our ongoing efforts. As it has been, as we have had our education effort that is really critical.

So, we will hear more about all of those issues throughout the rest of this year and ongoing.

b. Federal Update: I next need to report on a couple of very negative things coming out of Washington, D.C.

One is that the Secretary of Commerce has directed NOAA to conduct an audit and public hearing on the performance of the California Coastal Zone Management agencies. That includes us, the Coastal Commission, and the California Conservancy.

His letter to NOAA is pretty specific in saying that the Coastal Zone agencies have not paid attention to the President's executive orders or federal direction to include economic consequences and economic elements in its actions.

He was also quite explicit in pointing out two examples; one is offshore oil leasing and the other is space exploration efforts, both by the federal government and SpaceX.

It appears on the surface that this is a little bit more directed at the Coastal Commission than to us. We have not received any official notice about it yet. Staff are working closely with the Coastal Commission and the Natural Resources Agency and the Governor's Office in terms of the appropriate response.

This is unfortunately one more step in the efforts of our current federal administration to impose by fiat and not by legislation the whims and desires of the President and those he is allied with. But we just need to be aware that it is there, and so that is why I am bringing it to your attention.

On a similar step, as you may have read, they are also dismantling a major ocean monitoring effort. Destroying something like \$380 million investment in sea buoys that have been measuring sea levels, providing critical information for localities and agencies throughout the country to deal with rising sea level.

We know all too well that this federal administration does not believe in the effects of climate change. And in addition to ignoring those effects they are dismantling the efforts to understand it, to measure it, to enable us to do anything about it. They are welcoming disaster. I am sorry, that is just what they are doing. There is not a lot that we can do other than be aware of it, talk to each other, rally support, and look to the future.

c. Next Meeting: Coming back home. At our next meeting we expect to have at least one vote and consider other issues, which will include:

A public hearing and vote on 1301 Shoreway.

A legislative briefing.

A briefing on MTC-Caltrans bridge safety issues.

And a briefing on public access overall.

d. Ex Parte Disclosures: And with that, that brings us to the time for ex parte disclosures. If any Commissioner has had contact outside of a public hearing on an adjudicatory matter and has not reported it in writing, you do need to report it in writing, but you can also make a verbal presentation on it now if you have not. I would ask you to do so briefly. Are there any Commissioners who wish to make an ex parte disclosure?

(No ex parte communications were disclosed.)

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

June 4th marks a notable day in history. On this date, one of the earliest recorded solar eclipses was documented in Chinese historical records; Louisiana was admitted as a state; and the United States Congress enacted its first tariff law. It is also on this date on which the first publicly demonstrated successful hot-air balloon flight took place in France.

Today, BCDC joins this list of significant milestones as we convene the first public workshop to begin the public process for Bay Plan Amendment 1-26.

This workshop marks an important step in shaping Bay Plan policies that will support the increased beneficial reuse of sediment and soil for wetland restoration throughout the San Francisco Bay.

Through the collaborative effort we aim to advance strategies that strengthen shoreline flood resilience, support habitat restoration, and help ensure a more sustainable future for the Bay's wetlands and all of us who benefit from them.

On staffing I would also like to start by announcing a recent hire.

Unless the Commission objects we intend to hire Joshua Calderon for the position of Information Technology Specialist I and he will begin on Thursday, June 11, 2026.

Joshua holds a bachelor's degree in computer information systems from San Francisco State University, which makes him a Gator.

Joshua currently serves as an Information Technology Associate at CalHFA.

Joshua will be a strong addition to BCDC's IT team as we continue improving our technical services and strengthen support for our business partners.

I also wanted to give a brief update on Enforcement and Compliance.

I am happy to report that under the leadership of Isabel Chamberlin, and in collaboration with our amazing Regulatory team, the Enforcement team has begun permitting matters generated by enforcement activities, including issuing our first permit for the removal of sunken vessels in May.

The Enforcement and Compliance team is taking ownership of all permitting that is generated by enforcement actions in collaboration with the Regulatory team. This is a strong step towards the integration of Enforcement and Compliance with the Regulatory team.

In another milestone, Compliance is now fully integrated into Enforcement Committee meetings and is regularly providing updates, which has helped strengthen the connection between compliance tracking, enforcement priorities, and Commissioner engagement.

I am also happy to report that we have also made significant progress on the Regional ADV Program roadmap and are looking to hire a consultant to support the next phase of this regionwide effort, including project management, workshop facilitation, and support for the development of a practical program framework.

Recently there has been some press about companies and brokers selling underwater subtidal lots. Frankly, these lots have little to no utility and staff have been concerned that they are being sold to buyers who believe they can moor their boats or fill those lots.

With that in mind we are sending letters to explain to the companies and brokers involved that BCDC's regulatory framework highly constrains any development proposal on these lots and that they are subject to the public trust.

On today's Consent Calendar you will see the approval of revised regionwide permits and application form to conform with updated Commission permitting regulations.

Commissioners will remember that on March 5, 2026, the Commission voted to adopt the amendments to its permitting regulations. These amendments were recently approved by the Office of Administrative Law and will go into effect on July 1, 2026.

With these changes, we have some housekeeping items to attend to in order to conform our Regionwide Permit Program to the new rules, and Tessa Filipczyk is here to present a summary.

Thank you, Tessa, and that concludes my remarks, Chair Wasserman. Go ahead, Tessa.

Climate Adaptation and Nature-Based Solutions Specialist Filipczyk addressed the Commission: Hello Commissioners. My name is Tessa Filipczyk, and I am a Climate Adaptation and Nature-Based Solutions Specialist on the Regulatory Improvements Team.

I am here because the amended regulations going into effect on July 1 require a bit of housekeeping for our Regionwide Permit Program. Item 6b on today's Consent Calendar makes those cleanup changes so the program is ready when those new rules take effect.

The amended regulations did a few things that are requiring us to put forward the non-substantive changes I am about to discuss.

First, they removed the need for BCDC permits for 20 categories of minor de minimis activities in the shoreline band. Several of these activities were previously authorized under regionwide permits.

Second, they revised the rules for the Regionwide Permit Program by combining the Abbreviated Regionwide Permit and Regionwide Permit Programs into one program with one application process. The slide here shows how those changes affect the current regionwide permit suite of adopted regionwide permits.

Today we have two related programs, the Regionwide and Abbreviated Regionwide Permit Program, and the Commission has three adopted Abbreviated Regionwide Permits and eight adopted Regionwide Permits.

Because some categories of work in the shoreline band will no longer need permits under the amended regulations, two existing permits are no longer needed, and one can be narrowed.

Abbreviated Regionwide 2 is no longer needed because it covered minor work on one- and two-family residential structures such as routine repairs and maintenance as well as removal of residential structures.

Under the amended regulations, those activities generally will no longer require BCDC permit coverage if they meet the standards in the regulations.

Regionwide Permit 5 is no longer needed because it covered minor work on existing multi-unit residential and non-residential buildings and associated facilities, including things like parking lots, driveways, and paths.

Under the amended regulations, that work also will generally no longer require BCDC permit coverage if they meet the regulation standards.

And Regionwide Permit 4 can be narrowed because some of the activities it currently covers, such as ancillary residential facilities, remodeling, reconstruction, and replacement work that does not increase the building footprint, will no longer require authorization.

But small additions to one- and two-family residences still require a permit, so the revised Regionwide Permit 4 keeps that part of the permit in place, so there is still an expedited form of permit for that activity.

And since the Abbreviated Regionwide Permit Program is going away under our improved and simplified new rules, we also need to renumber the whole set of existing permits that remain. So, you see on the left the existing permits and on the right how

they will look after these revisions.

The item also adopts one new Regionwide Permit application form, consistent with the application requirements in the updated regulations.

The key point for today is that this is not making substantive changes to the Regionwide Permit Program. It is simply a cleanup action to make sure the existing permits and application form match the regulations the Commission has already adopted. We are bringing this now, so everything is ready when the new rules take effect on July 1.

However, keep an eye out because at the next Commission meeting we will be bringing forward an item to seek the Commission's approval for staff to enter into a contract with a consultant group to help us modernize and expand the Regionwide Permit Program to cover new activities, be more effective, and help really advance the program over the next year.

That concludes my overview on today's consent item. Thank you, Commissioners.

6. **Consent Calendar.**

a) **Approval of Minutes for May 21, 2026 Meeting**

b) **Approval of Revised Regionwide Permits and Application Form to Conform with Updated Commission Permitting Regulations**

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: Are there any Commissioners who would like to comment on the Consent Calendar?

Commissioner Gonzalez chimed in: So big picture, the idea that we have talked about is simplification.

The last sentence said, expand the scope. So, we are simplifying but then they also tucked in an expand the scope, and that is where I got a little confused.

Ms. Filipczyk explained: We are not expanding the scope in this change at all, that was just a teaser of what is to come in the future over the next year. We are hoping to expand the scope of the Regionwide permit Program to hopefully streamline the process of permitting nature-based solutions, living shorelines, and placement of scientific instrumentation. That last line was just to preempt that, but that is not part of these changes today.

Chair Wasserman added: More to come.

Commissioner Eklund commented: Is the intent to reduce the number of different types of permits that you currently have? Obviously, you are eliminating two right now. But is the intent to even try to eliminate a few others so that there is a little bit more flexibility?

Assistant Regulatory Director for Climate Adaptation Lavine stated: The action today just reflects the changes that we made with the recent regulation package, and that eliminated the need for BCDC permits for about 20 categories of activities within the shoreline band.

If we were to look at expanding the number of activities beyond those 20 categories that would no longer need permits, we would be doing that through another set of regulation changes.

I think for right now we are really interested to see how this goes. And we are always interested in finding if there are other categories of common activities which do not raise serious environmental concerns which we could also practice similar streamlining on. But for right now we are in implementation mode, and we will certainly keep an eye out for future opportunities.

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

MOTION: Commissioner Showalter moved approval of the Consent Calendar, seconded by Commissioner Gauthier.

VOTE: The motion carried with a vote of 16-0-1 to approve the Consent Calendar, with Commissioners Ahn, Eklund, Gauthier, Gilmore, Gioia, Gonzalez, Gunther, Hermosillo, Kimball, Nelson, Pemberton, Ramos, Randolph, Showalter, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and Commissioner Janoff voting "ABSTAIN".

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

(No members of the public addressed the Commission.)

(No questions were posed to Mr. Lavine.)

8. Commission Workshop to Support Bay Plan Amendment No. 1-26, the Sediment and Wetlands Adaptation Project. Chair Wasserman stated: That brings us to the substance of today, Item 8.

As part of this Commission meeting, we will now move into the public workshop for Commissioners, stakeholders, and the public. I want to thank the many people who are here, this is encouraging.

Those present will help support development of a Bay Plan Amendment to increase the beneficial reuse of sediment and soil for wetland restoration, which the Commission voted to initiate as BPA 1-26 on May 7 of this year.

While the staff presentation will be hybrid, the activity and poster session portion of the workshop will be held here in-person at the Metro Center without hybrid participation.

I will now turn it over to BCDC's Coastal Planner Rachel Cohen to make the presentation.

Coastal Planner Cohen presented the following: Hi, everybody. Thanks, Chair Wasserman and Commissioners. And thank you all so much for coming in-person today, we really appreciate you making the journey. Thank you also for sitting through that 30 or so minutes of Commission business. I hope you learned something. The rest of the afternoon will be focused on beneficial reuse.

My name is Rachel Cohen. I am a Planner on BCDC's Long-Range Planning Team, and I manage the Sediment for Wetland Adaptation Project.

Here is our agenda for today.

My presentation will include our workshop goals; the context behind our work.

The Sediment for Wetland Adaptation Project and the Bay Plan Amendment.

We will then explain our poster activity and take clarifying questions before breaking out into the poster session.

The staff presentation, as Chair Wasserman said, will also be on Zoom. But once we get to the poster session, we are going to mute our Zoom mics and turn off the room's camera.

After the poster activity wraps up, we will come back together, as well as on Zoom, to review the rest of the Bay Plan Amendment process and finally adjourn the meeting.

Housekeeping-wise, we are here for the next couple of hours, so if you have not yet please help yourself to tea and coffee, and restrooms are just out this door and around the corner to the right.

Before I keep going, Commissioner Andy Gunther, the chair of our Sediment and Beneficial Reuse Commissioner Working Group, is going to share some thoughts.

Commissioner Gunther addressed participants: I have been working on Bay issues for 40 years since I joined the staff of SFEI, and I have, among other things, this gray beard to show for it; and also the knowledge that we can accomplish a lot if we work together in a science-based process on the scale of decades.

I have seen point source and non-point source pollution decline in the Estuary. I have seen wetlands restored. I have seen passage created for anadromous fish, and I have seen incredible increase in public access to the shoreline. That makes me stubbornly optimistic that we are up to the challenge that we face as our climate changes.

When I was a grad student in 1985 teaching about climate change, the concentration of carbon dioxide in the atmosphere was only 345 parts per million. Now I say only, but of course that is higher than we have seen in the last 800,000 years.

But since that time, it, of course, has risen; now it is at 427. And this increase has really been only in the last 30, 40 years it has really taken off, right, when we look at total emissions.

Most people do not realize that half of all human emissions have occurred basically since I was in grad school in the 1980s.

This has changed the energy balance of the earth, so that means that the planet is warming up. There are five independent data sets, they all show the same thing: weather records are being broken continuously, and with each passing year it becomes clear to everybody that climate science is true, whether you believe it or not.

That means things that we used to consider stable across the scale of a human lifetime are changing, like the location of the shore.

And we have already passed a tipping point with the frozen part of our planet, which is melting, and it is going to be melting for a couple of centuries, no matter what we do.

If we can reduce our emissions that might slow the melting. But, of course, there are dynamics such as ice sheet collapse that could increase it. So, this means we have to work and plan and build with this new world in mind, and that is exactly what we are doing today.

And luckily, we have been at it for a while. We have a tremendous foundation of technical information, like the Sediment Survival Report that SFAI produced that helped us understand how much sediment we actually need to build this resilient shoreline.

In 2011 When we created the State of the Estuary Report, we identified the amount of sediment beneficially reused as an indicator of stewardship and restoration.

And we knew we wanted this number to get higher because the number had to go up if we were going to have the raw material we needed to build the shoreline.

And we have seen incredible leadership occur across our government. This is another thing that was not happening 20 or 30 years ago, and it is really spectacular. At a recent BCDC hearing, the Colonel of the District said that she sees sediment as a

resource, and my heart just went pitter pat, that is incredible.

And extraordinary work is being done by a lot of people in our region. Now, a lot of local governments are involved in planning, and the work of the San Francisco Bay Program of EPA has been really critical, as has the work of BCDC, and our Working Group, and the staff who support us, also supported by a grant from the EPA.

And we are this, all of our technical work, all of our political efforts are happening in the context of a president who instead of helping Americans understand the physical reality is just spouting misinformation. President Trump has belittled the risk of sea level rise several times in the last few years, claiming that the rise will only be a fraction of an inch over hundreds of years, when in fact we are measuring rise of a fraction of an inch every year.

And this is just creating a lot of obstacles, and all of us need to keep this in mind. There are a lot of people who are hearing really incorrect information about sea level rise. So, all of us must be evangelists for this as we work. But we are still making progress.

Today we are going to start this process of taking our technical knowledge and turning it into an amendment for the San Francisco Bay Plan; and this action is going to allow us to expand and accelerate beneficial reuse.

I can see in my head our future goal, where we have built this resilient edge for our community. For many places this will be a living edge, able to self-repair over centuries if we give it the sediment and the space.

Now, without being too maudlin, I do not expect to live to see it. It is a long-term process. Just like those who began the construction of the great cathedrals of Europe, today we lay the foundations to create a new kind of cathedral and the vital public work that will benefit the residents of the region.

I have never been more excited about a public process that I have participated in in the last 40 years, and I am sure that regional residents in the future will celebrate our vision and commitment to understanding that we needed to act today for their benefit in the future.

So, thank you all for taking the time to participate today. I know your efforts are going to help me clarify the decisions I need to make as a Water Board Member and as a BCDC Commissioner. And I think that our efforts together will also serve as a global example of what urban coastal communities can do if they work together in a scientific process to achieve these important regional objectives. Thanks so much.

Ms. Cohen acknowledged: Thanks, Commissioner Gunther.

We have three goals for today's workshop. First, we hope that everyone walks away with a clear understanding of the Bay's sediment problem, the role that BCDC plays, and the Sediment for Wetland Adaptation Project. I guess maybe that is a few things, but that is Goal 1.

Second, we want your help shaping Bay Plan policies that would increase beneficial reuse of sediment and soil for wetland restoration.

And lastly, we want to build on all of the collaborative work that has gone into this project already, and you will see later that we have a few posters related to that.

My next handful of slides may look familiar to some of you, in which case, thank you for paying attention at previous presentations that I have given. Jokes aside, the history is really relevant to this work, so we do have to review it again.

On the map on the left, all of the lime green shows about 500,000 acres of tidal wetlands that existed in the Bay Area about 225 years ago.

Since then, as you can see on the right, human activities have caused the loss of around 90% of those wetlands.

In the 1850s, hydraulic gold mining washed away deforested hillsides in the Sierra Nevada mountains, sending massive amounts of sediment downstream through the watersheds and into the Bay.

And after hydraulic mining was outlawed in the late 1800s the situation flipped. Instead of too much sediment the Bay started being starved of it. Dams and aqueducts trapped sediment upstream, wetlands were drained for agricultural use, and large parts of the Bay were filled in.

The region also has a history of modifying streams to protect urbanized areas from flooding. Nearly 90% of the Bay's historical creeks have been routed underground, filled in completely, or engineered into man-made channels that now require regular dredging to maintain their functionality. In a short span of history, human activities threw a well-balanced sediment system into overload, and then into scarcity.

So, an estimated 90% of wetlands were lost, but what are the impacts of this loss?

Wetlands provide essential services for people and nature on top of offering beautiful recreational opportunities. They help clean the air and water and they support the area's diverse wildlife.

During storms they absorb wave energy and give flood water a safe place to spread out, which helps protect nearby communities and infrastructure. This is especially important as we face increased flooding from sea level rise.

Sediment forms the basis of wetlands, moves nutrients through the system and supports the food chain. Without enough sediment, wetlands cannot survive.

Sea levels are expected to rise 1.5 to 3 feet by the end of this century, and the region's wetlands and mud flats will need much more sediment and soil than can be supplied by nature and current management practices in order to survive.

In the San Francisco Estuary Institute's 2021 *Sediment for Survival* Report, scientists predict that our tidal wetlands and mud flats will need between 450 to 650 metric tons of sediment to survive sea level rise through 2100. It is hard to visualize that number, so I like to say that it amounts to the volume of almost 700 Salesforce Towers worth of sediment.

So, humans have impacted the amount of sediment coming from the Delta to the Bay, as we discussed, and research from the United States Geological Survey helps us to visualize that impact. Researchers continuously sampled suspended sediment in the Bay waters and found that sediment supplied from the Delta to the Bay was reducing over time. This graph specifically shows the status in the South Bay, but these trends existed throughout the Bay.

Luckily, in the Bay Area we produce significant amounts of dredged sediment that could be used for wetland restoration. Dredging is the removal of sediment from the bottom of water bodies, and most dredging in the Bay Area is navigation dredging, which keeps shipping channels deep enough for large ships to navigate safely through the Bay. A smaller amount of sediment is also available from dredging flood control channels and streams.

Most of this material is currently treated as a waste product and is usually dumped in deep water, but if it is managed properly, the material can be used to raise marsh elevations.

Beneficial reuse is taking sediment and soil that would be disposed of as waste and using it for a beneficial purpose instead, such as for wetland restoration.

The region also produces significant quantities of excavated soil that is left over from upland construction projects. This extra soil is generally brought to landfills, but it can also be used for wetland restoration. Most excavated soil is generated outside of BCDC's jurisdiction, but when it is proposed for use as fill in BCDC's jurisdiction, our policies require it to be clean enough to protect Bay health.

In the Bay Area, upland excavation is estimated to produce roughly half the annual volume of dredged sediment. Significant volumes of upland soil have been used to create ecotones and flood protection levees for the South Bay Salt Pond Restoration Project and the South San Francisco Bay Shoreline Project, for examples.

Beneficial reuse is not new to the Bay Area.

In 1992 the Army Corps of Engineers, the EPA, the Regional Water Board, the California State Lands Commission, and BCDC came together to form the Long-Term Management Strategy for the placement of dredged material in the Bay region, or the LTMS. And they set goals to reduce in-Bay disposal and maximize beneficial reuse of sediment.

Under the LTMS, over 31 million cubic yards of dredged sediment have been beneficially reused for restoration projects.

In an average year between 2013 and 2024, 41% of dredged sediment was beneficially reused, 37% was disposed of at four in-Bay disposal sites, and about 22% was sent to the deep-ocean disposal site, which is 50 miles west of San Francisco.

As you can see in the pie chart on the right, in years when funding is available to cover the increased cost of reusing dredged sediment, we have seen beneficial reuse rise well above the annual average; and 2023 is our best example of this when beneficial reuse reached 73% of the pie.

A great example of beneficial reuse was at the Sonoma Baylands in southwestern Sonoma County. Historically, this site was part of an extensive tidal wetland system ringing the north margin of the San Pablo Bay.

But in the late 1800s the site was diked off and drained to turn it into farmland. This photo shows the site before any restoration work began. The land had subsided, and dredged sediment was used to raise its elevation, creating conditions that would support a marsh. In 1996, once the elevation was high enough, the site was opened to the tidal action of the Bay once again, which allowed marsh to revegetate.

Now the site makes up nearly 350 acres of healthy tidal marsh. The project reused almost 2 million cubic yards of clean sediment that was dredged from the Petaluma River Navigation Channel and the deepening of the Oakland Harbor.

With all of this context in mind, BCDC created the Sediment for Wetland Adaptation Project. Our project goal, to no surprise, is to increase beneficial reuse of sediment and soil for wetland and habitat restoration, resilience, and sea level rise adaptation in the Bay Area.

We have grant funding from the EPA and the Ocean Protection Council.

And our efforts include:

Increasing collaboration.

Creating an Action Plan for the region, which was released last spring and some copies are around the room.

Possibly amending BCDC's Bay Plan.

And finally, developing a strategy to meet the higher upfront cost of beneficial reuse.

We have convened the Sediment and Beneficial Reuse Commissioner Working Group 12 times throughout the life of the project, and these meetings are well attended by various interested parties.

We have had subject matter experts present on different aspects of the Bay's sediment system. And more recently, our meetings have been focused on Bay Plan Amendment progress.

We have also held 19 meetings over the course of the project with a core team of representatives. Many of you are here today. These representatives are from the Regional Water Board, the San Francisco Estuary Institute, San Francisco Bay Joint Venture, the State Coastal Conservancy, and the EPA.

Throughout the entire project we have made an effort to bring in all these different players who make up the world of beneficial reuse. Many of you are in the room with us today; we are really grateful that you are here.

At collaborative workshops in early 2024 we brought the sediment management community together to discuss the challenges of increasing beneficial reuse.

Out of this came an Action Plan with 70 actions that the region should take.

The Action Plan identifies organizations leading ongoing actions and offers ideas on how to prioritize those actions.

One of the actions that was identified is the need to assess the Bay Plan findings and policies regarding sediment supply and beneficial reuse to identify necessary improvements and propose amendments. So, here we are doing that.

I am now going to move away from our project and more into the laws and plans that BCDC upholds, so put on your policy listening ears.

The McAteer-Petris Act has provisions that provide BCDC with permit authority over both dredging and restoration.

In 1996 the McAteer-Petris Act was amended to incorporate new dredging findings, and these findings support increased beneficial reuse for restoration, and they also called for BCDC to be a partner in the Long-Term Management Strategy, which had just been established at the time.

The Act states that extraction of materials from the Bay, or dredging, requires a permit from BCDC, and placement of fill, including the placement of dredged material, also requires a permit from BCDC.

Fill must be the minimum amount necessary to achieve the project, and it must not have an alternative upland location.

BCDC can impose conditions in permits including how that dredged material is either disposed of or beneficially reused.

Under the McAteer-Petris Act, BCDC may amend the Bay Plan over time to address regional needs.

The Bay Plan includes policies that help BCDC implement the requirements of the McAteer-Petris Act, and the Bay Plan is incorporated into the McAteer-Petris Act requirements and is the law of the state of California.

Amending the Bay Plan is a change to the law, and it is so significant that the McAteer-Petris Act requires a two-thirds vote of the Commission.

The Bay Plan includes a number of policies that support wetland restoration. There are just a few of them on screen now.

Many of you will recall the 2019 Bay Plan Amendment that revised policies to allow more fill for habitat. However, that amendment left gaps to be addressed, like where does that fill for habitat come from, and how do we support the beneficial reuse effort from a policy perspective?

The Bay Plan policies require dredging to be conducted in an environmentally sound manner, to limit in-Bay disposal, and they also seek to maximize beneficial reuse. However, these policies only focus on navigation dredging.

In 2016, Commissioner workshops focused on future Bay Plan Amendments that were needed to address climate change, and strengthening the beneficial reuse requirements was identified as a priority amendment.

We have identified four goals for this Bay Plan Amendment.

The first is to acknowledge sediment as a critical Bay resource and a public trust resource.

The second is to make beneficial reuse BCDC's priority for sediment and soil.

The third goal is to expand the Bay Plan's dredging policies beyond just navigation dredging.

And lastly, we want to use this Bay Plan Amendment to help connect smaller dredging projects to local restoration projects; and we want the policies to be specific enough, while still leaving room for innovation.

Now it is time for some fun process diagrams.

We have really been working on scoping the Bay Plan Amendment and developing policies since the Action Plan was released last spring.

During that collaborative work we did to develop the Action Plan we got all of this feedback from interested parties about the challenges of increasing beneficial reuse, and we took that into account last summer when we began developing policy concepts.

We shared these with the Commission and interested parties last August, and this past fall we also presented them to the core team and the Sediment and Beneficial Reuse Commissioner Working Group.

We carefully tracked feedback and over the past several months we have started writing findings and policies.

This is the structure that we came up with. The Bay Plan currently, as I said, is focused on navigation dredging, and we are thinking of structuring the topics that you see on screen into a new Sediment Management Section that incorporates additional sources of sediment beyond just navigation dredging.

The policies are based on the understanding that sediment is an important public resource, and that human activities influence sediment and soil.

Since our initial drafting, our interested party engagement has included another Commissioner Working Group meeting, individual meetings with the Regional Water Quality Control Board, the State Coastal Conservancy, the Army Corps, Interested Bay Area Tribes, and coming to the Commission to initiate the Bay Plan Amendment last month.

We again took feedback into our policy drafting, and we are here today to share more detail on our policy ideas and get your feedback.

We will keep meeting with interested parties as we move forward, and we will continue that cyclical feedback process until we have final proposed amendments.

We are rounding out to the last section of my presentation, which is our poster activity.

There are six posters around us in the room today, three of them on this far side of the room are focused on general policy ideas, including the proposed requirements. They are not policy language yet. For the policy posters, we want to get your feedback about the proposed requirements, which we will incorporate as we draft the final proposed amendment.

We have discussion questions on each poster, which will prompt you to think about what is important about the concepts, what might be unclear or missing from the concepts, if you disagree with the proposal, and if you see any other issues with it that we might have missed.

The other three posters on this side of the room, one is behind the crowd over there, are intended to continue conversations that we started in our two-day workshop in 2024. These are not necessarily to develop policy in the Bay Plan Amendment, but more so to provide a forum to discuss other ways of addressing beneficial reuse regionally.

We have blocked an hour and a half for in-person attendees to engage with the posters, and I am going to go over the basic content of each poster before we start. As I go over them, think about which one you might want to visit first.

One of the main policy changes that we are considering is to prioritize beneficial reuse over deep-ocean and in-Bay disposal.

A dredging project would be required to evaluate suitability or quality of dredged sediment for beneficial reuse, availability of beneficial reuse sites, alternatives to aquatic disposal, including a comparison of costs between beneficial reuse and aquatic disposal, and also benefits of the dredging project.

Based on this analysis, beneficial reuse would be required if a site is available, the sediment is suitable, and the reuse is practicable.

Next, BCDC has jurisdiction over tidal channels and streams, but the Bay Plan lacks policy that governs beneficial reuse of sediment dredged from these sources.

The policy proposal would require beneficial reuse of sediment dredged from these sources to support habitat restoration.

These policies would also direct local governments who are rebuilding aging flood protection channel and creek infrastructure to evaluate whether there is an opportunity to reconnect and realign creeks and waterways to tidal and seasonal wetlands to supply fresh water and sediment to these areas, as well as increase flood absorption.

The last policy poster concerns use of upland soil in wetland restoration.

We are considering clarifying in the Bay Plan that this use is encouraged.

These policies would also direct BCDC to create a standardized testing program to ensure that the soil's physical and chemical properties make it suitable for wetlands.

This poster also has also considered supporting a regional stockpiling system, so that soil can be available when restoration sites are ready to receive it.

We then have our three brainstorming posters on this side of the room. Again, these are not necessarily to develop policy in the Bay Plan Amendment, but we wanted to provide a forum to discuss other ways of addressing beneficial reuse.

First up, restoration incentives.

During outreach we continuously heard and continue hearing a desire to explore how restoration projects should be incentivized to include beneficial reuse since they already face planning, funding, and regulatory burdens. So, we have questions on that poster about how to build incentives.

Next, Action Plan Implementation. We pulled some priority questions from the actions in the Action Plan. There are questions on that poster about how a potential new governance model streamlining the permit process and stockpiles could help increase beneficial reuse.

And lastly, we know that funding is a challenge for beneficial reuse. I mentioned we will be creating a strategy around this in Phase 3 of the Sediment for Wetland Adaptation Project. That poster lists out the different strategies that we have been considering, and we would love your feedback on those.

Each poster station has a facilitator and one to two note takers. Facilitators include BCDC staff as well as Xavier Fernandez of the Regional Water Board and Scott Dusterhoff of the San Francisco Estuary Institute, who have graciously volunteered to help us.

Feel free to ask questions at the policy stations. Tell us what you think, what you do not understand, what is missing. All of your feedback is welcome. Take time to read the posters and have a conversation with the facilitator and the other people at that station.

We did want this poster session to feel relaxed and pressure-free, so you can move freely between the posters or stay and engage with one the whole time if you would like to do that. Feel free to drag a chair with you if you would like to take a seat and you can also come and work in these tables in the center.

We will be giving time checks every 15 minutes, but there is no requirement to move. If you want to visit each one, then that would be a good way to divide your time.

A worksheet has been provided that most of you, I think, picked up on your way in. There should be extras on the back table if you missed them. You can provide your comments on that worksheet, and we will collect those at the end of the meeting. Or you can provide your comments orally at the poster and the note takers will jot them down and make sure that we capture your thoughts. If there is a really burning piece of feedback that you want to make sure that the note taker gets, just introduce yourself and tell them who you are and what you are thinking about.

To everyone on Zoom, we are going to take clarifying questions, and then we are going to mute and have a slide up on the screen for the next hour and a half.

After the poster sessions we will come back for a project timeline, next steps, and adjournment.

But before we start the activity, we are happy to take any clarifying questions.

Chair Wasserman asked: Clarifying questions from Commissioners?

Commissioner Eklund had questions: Are we to assume then that there is unlimited use of dredged material and soil? Is that an assumption that we are going to be making in this exercise?

Ms. Cohen sought clarification: Can you clarify unlimited use?

Commissioner Eklund replied: No, unlimited availability of sediment and soil.

Ms. Cohen answered: I think, if I am understanding your question correctly, that we are thinking about increasing beneficial reuse of all of the dredged sediment and upland soil that is deemed suitable for restoration.

Commissioner Eklund asked: But will that satisfy all the needs?

Ms. Cohen responded: Oh, that is a great question.

Commissioner Eklund continued: That is my question. Because actually there is another area where I think BCDC should also be exploring. Will we have enough places to place the sediment and the soil?

Ms. Cohen noted: That is a great question. There are only two sites that are currently accepting material, and that is why we want to have that conversation around incentivizing new restoration sites, because we really need to bring more online in the region.

My understanding is that if we beneficially reused every grain of sediment that was dredged from the Bay, that it would not completely meet our sediment deficit, but it would really make a difference. And definitely happy to talk to you about other suggestions for what BCDC should be doing.

Commissioner Eklund continued: I do have another suggestion. I worked on this when I worked for the US Environmental Protection Agency. And I do not want anybody to react negatively, because I have been through the science on this, actually. I think that at some point BCDC should look at municipal sludge, because that is currently a disposal issue throughout the country, basically, or basically in California but other places as well.

We have done a lot of research on that as part of when I worked in the NPDS Permitting Program. A lot of it is clean. And so, I think at some point I think it would be very helpful for BCDC and some of the other agencies to start looking at that as a possible opportunity for wetland restoration, which EPA did do in some areas in the country. Thank you.

Long-Range Planning Manager Buehmann chimed in: This is Eri Buehmann, Long-Range Planning Manager. Even if you have an idea like that, that is a great example, that is not on one of the posters, you can find a poster that is kind of adjacent to it or whatever, and we can add that to the parking lot of ideas. There is no rule that you can only talk about these things. That is a really good contribution. There are other things, other ideas people have, and we want to capture that.

Commissioner Eklund acknowledged: Especially with the level of treatment going up. The amount of material we are going to be having to find something to do with. We have taken some of it out to the ag land, which has been helpful. But I think that there is obviously a better use as well, combining it with either dredged material or even upland soil.

Ms. Cohen stated: Yes, I think it is worth looking into. In this project we are focused only on the dredged sediment and upland soil, but we hear you.

Commissioner Showalter commented: When we talk about aqueous disposal of sediments, I wanted to confirm that you mean both ocean disposal and in-Bay disposal?

Ms. Cohen replied: That is correct.

Commissioner Showalter continued: Okay. Because functionally, if something is disposed of in-Bay then it is still in the sediment system of the Bay that circulates that sediment again and again. Whereas if it goes out to ocean disposal, it is gone.

Ms. Cohen agreed: Yes.

Commissioner Showalter emphasized: Okay. Just wanted to make that clear.

Ms. Cohen acknowledged: Confirmed. Great point. Yes, thank you.

Commissioner Janoff chimed in: I am just wondering, how does all the feedback get incorporated in? I know that you have talked about big picture process; but specifically, how does what comes out of these posters and worksheets get incorporated into the language?

Ms. Cohen explained: That is a great question. We are going to take all of these worksheets and notes that you all provide to us today, and we are going to analyze it and synthesize it and come out with themes that we heard.

We have some draft language written now, but we are going to read what you have to say and make considerations about all of those while we continue to draft.

And then further in the Bay Plan Amendment process we have a public comment period. So, we will make a draft recommendation for policies, and we have a 30-day public comment period. In our final staff recommendation, we respond to each one of those public comments in writing in our final staff recommendation. So that is what I would say.

Sediment Manager Goeden commented: Brenda Goeden, BCDC. I would add that while all comments are completely welcome and we will consider them, when we do draft policy, they have to be within our law and authority. So, if something is suggested that may be a fantastic idea but we do not have authority to implement under the Bay Plan, we might offer to share it with others who maybe have authority or ability to do that sort of work. So, I just want to clarify that we do have the authority that we have within our legal abilities.

Mr. Buehmann chimed in: Yes, and I will add to that too, especially with the brainstorming work. This is a regional problem, it requires a lot of different kinds of solutions. And we are still looking at the Action Plan and all those actions that we have identified, and how we are going to keep moving the work forward. And so that stuff is really important too. So, even if something does not end up in a policy it is not lost, we will not want to lose it. We want to keep it and keep working through this.

Chair Wasserman announced: With that, we will adjourn to the workshop around the posters. Go forth and brainstorm.

(Participants began poster activity at 2:16 p.m.)

(Meeting resumed at 3:38 p.m.)

Ms. Cohen continued: Thank you all so much for taking the time to do that whole activity with us. It might seem like we are ending a little bit early, but we did start a little bit early because I went through my presentation so much faster than I expected to.

We had some really great discussion over at the Uplands Soil poster and I am really looking forward to hearing what everyone else talked about at all the other posters.

When you are done with your worksheet, please find a BCDC staff member and leave it with them. You are welcome to hang out at these tables and finish writing after we adjourn the meeting if you are interested.

We were just going to run through the Bay Plan Amendment process before we wrap up here. This graphic might also look familiar to you all.

Moving forward, we are going to look at all of the feedback that you provided today and work on writing our draft policies to provide a draft recommendation to the Commission.

We will also keep meeting with interested parties as I mentioned. Some more connections have been made here today so we have some new interested parties, which is very exciting. Continue to meet with people as the policies take shape.

We do have a Sediment and Beneficial Reuse Commissioner Working Group meeting scheduled for July 7, I believe it is a Tuesday, from 1:00 to 3:00 p.m. That will be a virtual meeting so no need to come here to the Metro Center.

At the Beneficial Reuse Commissioner Working Group meeting on July 7, we are going to share-out about what we heard today, synthesize all the feedback that we got, and let you know the results of this workshop.

Then we are planning to mail our preliminary staff recommendation, which will include our draft findings and policies, on July 21.

That starts a 30-day public comment period. We take written public comments for those 30 days.

And then at a public hearing at a Commission meeting on August 20, we will take oral public comments.

As I mentioned earlier, we respond to every public comment when we prepare our final staff recommendation, and that goes out a couple of weeks before the vote meeting.

So, there are some dates on-screen for the vote and the public hearing, but as we start to look through all of the feedback we received today and as we continue to do stakeholder engagement there is a chance that these dates could slip. So, this is a tentative timeline, so it is flexible. The thing to know is that if we do change the public hearing date we will inform you. Whatever the public hearing date ends up being, if not August 20, the draft and preliminary staff recommendation will be sent out 30 days in advance of the public hearing.

I wanted to just quickly ask if there are any questions on this process before we close out?

Commissioner Eklund asked: We are going to get the feedback?

Ms. Cohen answered: On July 7.

Commissioner Eklund continued: On July 7. But we are going to get it on the 21st of July?

Ms. Cohen stated: That will be the draft recommendation.

Commissioner Eklund asked: Along with staff recommendation?

Ms. Cohen answered: Correct.

Commissioner Eklund continued: But that is also going out for public comment at the same time. So, if we have comments on the staff recommendation do we make it on the 21st or do we wait until August 20?

Ms. Cohen explained: The staff recommendation will not come out until the 21st, so you will have 30 days after that when we take public comment. That 30-day period is the time to make comments on the proposed policies.

Commissioner Eklund opined: It just seems like there should be another meeting of the Commission before the vote. I am concerned that we are not going to really have an ability to synthesize what the comments were from the public.

Mr. Buehmann chimed in: The draft language will come out on the 21st under this timeline. There will be a 30-day public comment period for draft language. So, people will be able to comment on it. We will be able to review those comments. And then the public hearing is for people to, they can come in person and give oral public comment as well, and the Commissioners can also comment on the proposed policy language.

After that we will revise the language based on the public comment and also respond to all the formal public comment. Does that make sense?

Commissioners receive the first notice, everyone does. So, Commissioner, if you got it on the 21st you would be able to comment on the policies throughout that period, and even thereafter.

Ms. Cohen added: And at the public hearing as well. So, the public hearing really is our main Commission meeting to go over the draft policies.

Commissioner Janoff chimed in: This might be a question that cannot necessarily be answered, but to Chair Wasserman's remarks earlier about CZMP being scrutinized, and I see on there OAL and NOAA review. Are there any risks if there are changes that they do not like that it comes back to the Commission?

Chair Wasserman replied: We are not sending them to the Secretary of Commerce. That is a slightly facetious answer to your serious question.

Acting Executive Director Scharff commented: I think there is very little to no risk that OAL, the Office of Administrative Law, will not approve. I think we are fine there.

If NOAA did not approve, that would just mean that basically it would not apply to the CZMA consistency determinations and we could probably move forward anyway.

Mr. Buehmann added: Under the Coastal Zone Management Act we have consistency review authority over federal projects that are in the coastal zone and affect the coastal zone. Like the Army Corps of Engineers when they dredge, when we review. Under the consistency determination process of their Dredging Program, we are looking at the navigational dredging policies and seeing if they are consistent with our Coastal Zone Management Program.

When we do a Bay Plan Amendment we ask NOAA, we are going to put this in our Coastal Zone Management Program, so we can use it for that purpose.

If they decide to reject that, there is a process about that and to deal with that. But it does not affect regular permitting, is what Greg is saying. It affects the Coastal Zone Management Program.

Ms. Cohen noted: I know that some Commissioners have to get out of here, so I just want to thank you all so much for coming today.

Once again, I am really looking forward to seeing all those worksheets, so make sure you get them to a BCDC staff member. Staff will be around after the meeting adjourns if you have other clarifying questions. I am now going to turn it back over to Chair Wasserman.

Chair Wasserman continued: I want to echo thanking all of you for being here, for participating. I think this is one of the most creative and productive workshops that we have held, and we have held a fair amount. If you get home and you have some further thoughts, email them in, you are not restricted to the worksheets. Thank you all very much for your participation and your caring about this very important issue.

9. Adjournment. There being no further business, the Commission meeting was adjourned at 3:48 p.m.