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 March 5, 2026 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:07 p.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman stated: Good afternoon, all, and welcome to our once again hybrid meeting of the Bay Conservation and Development Commission. 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, a small but mighty group today, and the Commissioners who are joining us virtually.

Executive Director Goldzband and Regulatory Director Harriet Ross are in Washington DC shoveling snow at the annual Coastal States week meeting. They send their cold regards. Planning Director Jessica Fain is sitting in for Larry today.

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

2. Roll Call. Present were Chair Wasserman, Acting Vice Chair Randolph, Commissioners Dorsey (joined after Roll Call), Dumlao (represented by Alternate Pemberton), Eckerle, Eklund, Gauthier, Gioia, Gonzalez, Gunther, Hermosillo, Ramos (represented by Alternate Manfree), Showalter, Tam (represented by Alternate Gilmore) and VACANT (Nelson). Legislative Appointee Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon) was also present.

Ms. Peterson announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego, Taylor), Speaker of the Assembly (Ahn), USACE (Beach), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Governor (Eisen, Hasz), Business, Transportation & Housing (VACANT), Santa Clara County (Lee), Solano County (Mashburn), Marin County (Moulton-Peters)

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

Dan Clarke spoke: Thank you, Commissioners and Executive Director. My topic is the Marina Improvement and Remediation Project, which is in Gashouse Cove in San Francisco on the northern shoreline. Please bring up the first visual.

In that location it is necessary to have storage of chemicals as well as have some beneficial use in that location. And there is an application that is now before staff, not before the Commission, that proposes how to do that. And it is billed as a routine amendment to an existing permit, but it is far from routine, there is controversy. I want to just say a few words, if I can get the slide up, that is for information, not the controversial part. I want to give some background information about the project.

So, when the harbor was created in the 1960s a boat harbor was made there and it was dredged to 8 feet deep, not a deeper 12 foot, which is kind of standard, and most of the slips that were put in were approximately 20 feet. So, the harbor has served smaller small craft, pleasure craft, a lot of sail, a lot of nonmotorized sail, and smaller motorized boats. That was in the 1960s.

In the 1990s the chemicals were discovered. That triggered a dispute between what is now the two applicants, the co-applicants, and they argued over it in court for about 20 years and came up with a settlement. And that settlement settled the financial terms between the two applicants and, you know, started the project that is now part of this application for the permit. The dispute was over dredging costs, and so the financial terms are settled now. Okay.

This visual shows that the harbor was functioning, if you look at the upper lefthand corner, it was functioning for about 50 years, where it was fully operational as a small craft harbor.

After that the lack of dredging, which was caused by the chemicals being down there and the dispute over the cost to dredge the chemicals eventually took its toll. The siltation came up so that the boats had to leave the shallower part of the cove. The docks, as you can see there, started to float freely and eventually were removed.

In the lower righthand corner you have what is a little visual or illustration of what is essentially the proposal in the application, which is to restore a boat harbor with slightly different configuration in the northern part of Gashouse Cove and to do something different in the other part. Second visual, please.

What you were just looking at was a two-dimensional view looking down at it. This is sort of a cross-section of what is going on there. On the left you see that bar chart shows that the beneficial use, which was the harbor, was in the 8 feet and then the zone below was where the chemicals are. I have to tell you that just because that is all red that does not mean it is all chemicals and it is not evenly distributed down there it is more like marble cake.

If you look on the right, and I think you will see this when you get the minutes, you will see this again. You can tell that there are two methods and both to protect the chemicals from the beneficial users and the beneficial users from the chemicals. Both methods work. Both methods keep people safe, and the controversy is not about that. Thank you for the time. I appreciate the extra.

Chair Wasserman continued to the Report of the Chair.

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

a. Commission Meeting Schedule: We will be canceling our next meeting scheduled for March 19 and may also cancel our meeting scheduled for April 2. So, the likely next meeting will be on April 16, but do not fill up your calendar for the 2nd quite yet. Additionally, please remember that our Commission meeting schedule includes an all-day meeting on May 7.

b. Sea Level Rise: There was an article in the *Chronicle* this morning about a report in the journal *Nature*, which I was going to comment on even without the *Chronicle* report, although the *Chronicle* report is helpful. It is about a new study that concludes that most scientific studies, or at least many scientific studies, about sea level rise have been inaccurate by about a foot in measuring sea level where the sea meets the land. And there are some reasons for this because of the nature that most of the studies are based on satellite and geotechnical, I am sure that is not the right word, data, that does not really measure reality where the sea meets the land.

The conclusion is that the majority of these studies distort and underestimate how much sea level rise will affect particularly low-lying areas and emphasizes that the bulk of those are in the South Pacific. It does not address at all the specifics about the California coast.

But I think the importance of it is that we need to recognize that as much as we rely on science, and we have to and we should, sometimes it gets it wrong. And when you are talking about a foot difference in the baseline, and you are concerned about three feet, five feet, six feet of sea level rise, this becomes significant.

My take-away from it, this will not surprise any of you who have been listening to me over the last months and years, is that we know that the sea is going to rise significantly. We do not really know how much or how soon. And the importance of that is that the clock continues to tick and the seas continue to rise, and neither time nor rising seas wait on our discussions and deliberations, which makes our actions even more important.

c. Rising Sea Level Working Group: It is in that context that I am pleased to report a, I thought, quite good discussion this morning with our Rising Sea Level Working Group, which reported on a good deal of outreach to our stakeholders, reported on some of the progress on the RSAP subregional plans, and proposed a somewhat certain reframing of our discussions about how we can best look at improving our efforts.

We have been talking a lot over the last months and years about governance, and the thrust of the Staff Report was really that it is more important than talking about that somewhat vague concept of governance, about the specifics of what we are trying.

And it emphasizes three Fs. You can quarrel with that as you listen to what I am about to say. That what we really are trying for is effective, efficient and funded solutions and projects that will protect our Bay, our natural environment, our built environment, our people, our transportation systems, from rising sea level.

What we are looking at in particular as we do this reframing is the gaps in our ability to do that. It does not mean we may not have to seek changes to our jurisdictional authority, but it really says, let's look at what we are trying to do and accomplish here.

The report from the stakeholders, frankly, was a bit divided. With a good number of them saying yes, this needs to be looked at but now is not the time to act. We really need to gather the information from the RSAP process. And a good number of other opinions saying, no, we need to act. We need to act now.

Part of the reason some say we need to act now is if we, in fact, do need changes to our jurisdiction, that is a lengthy process. We have to keep in mind that SB 72, which led to the whole RSAP process, took two legislative sessions to get through, particularly in the current times with the general skeptical view towards regulatory authority prevailing in Sacramento.

On the one hand you say, well, now is not the time to press forward. And then on the other hand you say, you are going to have to press forward a whole lot so you better start doing it now. And I think the resolution of that for us in a practical sense, is we are not going to fuss so much on that. We are really going to fuss on what do we need to do to make sure that all the jurisdictions can and do get in their subregional plans. And frankly, more importantly once their plans are in, that they start to implement them. As we do that it may well turn out that we think we need some jurisdictional boost, and then we will go after it. So, it is a more focused and more practical approach.

We also had a good presentation as a case example on what we had done at Treasure Island, which demonstrates in certain respects our flexibility and our creative thinking. And on the other hand, the limits of our jurisdiction and authority because, of course, most of Treasure Island, which will be threatened by rising sea level, is outside our jurisdiction. It was a good discussion. I will continue to report to you on it.

D. Future meeting Agenda Items: At our next meeting, the current guesstimate is April 16 but maybe not, we expect to have at least three voting matters and consider some other interesting issues as well.

We expect to vote on BPA-1, Bay Plan Amendment 1-25, Bay Plan Map Cartographic Updates, which we heard about at our last session.

A discussion and vote on the Caltrans proposed Richmond-San Rafael Bridge transportation data analysis, as required by the Commission when it approved the Bridge's pilot project last year.

And a briefing on sand mining.

E. Ex Parte Disclosures: That brings us to ex parte disclosures, and my comments on this are a little longer than normal. Typically, here I simply ask Commissioners to disclose any ex parte communications that they have had since the last Commission meeting. But before I do that, I want to remind Commissioners and talk a little bit about

the rules and the significance of the rules regarding ex parte communications. We think this is timely because we do expect several issues, some of which I just mentioned, to come before us in the next months, where applicants and opponents may be active in reaching out to Commissioners.

BCDC's regulations on their face strongly disfavor and in fact use the word "prohibit" Commissioner ex parte communications with any interested party to a pending permitting or enforcement matter outside of a regular Commission meeting. Again, an ex parte communication is one that occurs outside a meeting open to the general public.

This rule is based on basic due process principles in respect to the Commission's actions in quasi-adjudicative matters. The principle basically says that all interested parties should have access to knowledge about communications received by a Commissioner and any comments a Commissioner may make regarding a permit or enforcement matter.

The simplest way to do that is to avoid ex parte communications, so that all communications about such matters are a matter of written record or are made on the public record at public meetings.

However, there is a tension between that due process concept and the concept that constituents and interested parties are entitled to communicate with elected officials and decision makers as part of their free-speech rights to address the government. This is heightened by elected officials' understandable sense that they should be able to hear from their constituents.

That is why the regulations, while prohibiting ex parte communications, at the same time and in direct contradiction, require disclosure of ex parte communications on the record.

In addition to the requirement that the substance of any ex parte communications be disclosed on the record, our regulations require that all interested parties to the underlying matter must be notified of the ex parte communications and be given the opportunity to address the Commission and to present any rebuttal evidence concerning the subject of the ex parte communications.

To ensure that interested parties are always aware of any such communications, staff will be providing all interested parties in permit and enforcement matters with copies of the ex parte disclosures, and that is standard procedure.

I also want to add that at times Commissioners' ex parte disclosures have not been complete as to the full substance of the conversation. It is not enough to simply say, I talked to X, Y and Z, and the subject matter was 1, 2, 3. You need to provide some detail about what was in fact communicated and what you may have said, so that the interested parties have a chance to think about that and respond. So, please do ensure that your written ex parte disclosures, which are always required, are complete and reasonably detailed as to the substance of the conversation.

There is also a concern that when communications are made outside the public arena, you may show bias about a matter. It is important that in no circumstances should you say how you will vote on the matter in advance of the full hearing on the issue, as this would likely lead to your recusal from the matter because it indicates you have made up your mind without hearing the full presentation and full public comment.

With this information in mind, BCDC General Counsel Greg Scharff strongly urges you to refrain from any ex parte communications to the maximum extent possible regarding permit and enforcement matters. And I am going to say, use your good judgment to balance interested parties' free-speech rights to be heard against their due-process rights to know what a Commissioner has heard about the issue. And that is done if you have those by that full disclosure. That is the balance if you choose to engage in such ex parte communications.

I do note that ex parte rules do not apply to policy matters or adoption of regulations or amendments to the Bay Plan. And note that you do not need to make a verbal ex parte report if you have already provided a written report to our staff through our website, and the written report is always required.

With all of that said, if anyone has inadvertently or otherwise not yet made a written report of any ex parte communications about permit or enforcement matters, you may report on them briefly now. Again, written reports are detailed, the verbal report should be brief.

Commissioner Gauthier chimed in: Chair Wasserman, your report is a day late. But anyway, I had a conversation yesterday with Eric Zell and Martin Marietta, Lind Marine, from the BCDC sand mining lease renewal. I will follow up with additional information. They did show me maps of the area and that they were concerned about the potential lease renewal and the length of time. Again, wanted to make sure that you were aware of that, and I will follow up with written communication to the effect.

Chair Wasserman acknowledged: Thank you for the careful balance. Any others?

Commissioner Eklund spoke: Chair, I do have a question and a request. Well, the request is basically, can we get a copy of your comments so that we have a thorough understanding of what was said today?

And then secondly, I would really encourage a copy also be given to other Commissioners and their Alternates that are not present tonight as well, or this afternoon.

Ms. Peterson responded: I can take a stab at this. All of this will be included in the minutes that are provided to Commissioners, Alternates and the members of the public, so this will be included in those minutes.

Commissioner Eklund asked: And when will the minutes be provided to us?

Ms. Peterson answered: Typically, they are available in the second mailing.

Commissioner Eklund continued: In the second mailing?

Ms. Peterson replied: Yes.

Commissioner Eklund stated: I really would like a copy of it earlier than that, like maybe today.

Chair Wasserman chimed in: We will do that.

Commissioner Eklund acknowledged: Okay, great. Thank you.

Chair Wasserman noted: It would please our General Counsel if we did that.

Commissioner Eklund continued: I have had no ex parte communications. And having worked for a regulatory agency for as long as I did, I know that there are definite rules associated with that. But I think it was very well presented and said, and I just want to make sure that all of us take it to heart and have copies. Thank you.

Chair Wasserman acknowledged: Thank you.

Commissioner Nelson asked: A question. I have been contacted by the sand mining folks. I have not spoken with them, so I am not disclosing anything here, but I was under the impression that they have not yet filed that permit application and it is still at a policy level. Has that application been filed? I just want to make sure I understand if I do talk with them whether it is ex parte or not.

General Counsel Scharff commented: So, they are in pre-application, but this is one of those gray areas where yes, they are in pre-application, but they might as well have filed an application in many ways. They are going full bore and talking about it with staff and having those discussions. Technically you could make that argument from a legal point of view. But I think in an abundance of caution, and to be fair to the public, I would disclose it, and we are recommending that you disclose all of them. It is the right thing to do.

Commissioner Nelson acknowledged: Appreciate that, thanks. As I said, I have not but I appreciate the advice.

Chair Wasserman continued: And just for the record, although our General Counsel and I disagree slightly over this and how the balance should work, I 100 percent agree that if we know a matter is coming and discussions have started with staff we should disclose if we have ex parte communications.

Commissioner Falzon added: I also wanted to disclose that I met with folks from Martin Marietta back in January. They asked to speak with the Assembly Member and she was unable to, so I spoke with them on her behalf.

Chair Wasserman acknowledged: Thank you. And you should, if you have not, make a written report on that, please.

Commissioner Falzon replied: Yes. Will do. Thank you.

(No further ex parte reports were made.)

Chair Wasserman continued: That brings us to the Report of the Executive Director, which will be presented in his absence by Jessica Fain.

5. Report of the Executive Director. Acting Executive Director Fain reported the following: Thank you, Chair Wasserman. Good afternoon, Commissioners.

As Chair Wasserman noted, Larry Goldzband and Harriet Ross are currently in Washington DC for the annual Coastal States Organization and NOAA Program Managers meeting, and making visits to the Bay Area delegation on the Hill. I am sure they will be glad to get back to the Bay Area, as I saw snow, rain and high winds on the forecast in what is already a very tempestuous city.

So on to Staff and Budget. A few staffing announcements.

I am very excited to announce that Makena Wong will start as BCDC's Associate Engineer of Resilient Shorelines in mid-March. Makena has 6 years of engineering experience, much of it working on projects in San Francisco Bay and most recently with San Mateo County's One Shoreline as the project manager for the Millbrae and Burlingame Shoreline Resilience Project. Makena has a Master of Science in Environmental Engineering from Stanford and a BS in Civil Engineering from Santa Clara University.

In addition, Nicole Bellingham is joining the Enforcement and Compliance Team as a Compliance Officer. She comes to us from Harvard University, where she double majored in Environmental Science and Public Policy. Nicole loves the outdoors and has spent the past few years working as a biologist for an environmental consulting firm.

On to Policy.

Last week we received notice from NOAA's Office of Coastal Management that BCDC's 2026-2030 Assessment and Strategy has formally been approved. This means that BCDC is now eligible for formula funds under Section 309 of the Coastal Zone Management Act to implement the work plan in the strategy. In addition, BCDC is now eligible to compete for Project of Special Merit funding, when funding is made available.

As you may recall, our main strategy is to "Advance Regional and Local Efforts to Develop Subregional Adaptation Plans and Address Coastal Hazard Risks" so we are now well-positioned to apply our NOAA federal funds towards this critical task.

In the aftermath of the 2024 Francis Scott Key Bridge collapse in Baltimore, Commissioners may recall several briefings with MTC, Caltrans, and the Harbor Safety Committee on Bay Area bridges and ship-strike risk. I would like to provide a brief update and note that we plan to return with a full Commission briefing on this topic in the coming months.

As you may recall, MTC funded the *Ports and Waterways Assessment Study (PAWSA)*, completed in summer 2025.

That study evaluated risk levels, considering aids to navigation, vessel traffic services, ship routing, waterway safety hazards and related issues, and also assessed mitigation measures.

In parallel, Caltrans and MTC are preparing a federally required bridge safety calculation for the region's seven state-owned Bay bridges for submittal to the Federal Highway Administration. This work will further inform the region's response.

To advance coordinated mitigation and response efforts, the Harbor Safety Committee, which BCDC participates in, is launching a new MERIT work group to evaluate how navigational, environmental and operational factors affect exposure and system readiness. The first meeting is scheduled for next week. The group's charter emphasizes collaborative, transparent, action-oriented, and adaptive deliverables, with input from Harbor Safety Committee members and a range of other partners including MTC and Caltrans. Captain David Corbett of the Bar Pilots will chair the group, Scott Humphry from the Marine Exchange will serve as facilitator, and BCDC staff will participate.

We look forward to providing a comprehensive briefing to the Commission in the coming months.

Finally, I wanted to acknowledge and commemorate the work and life of Dr. Jim Cloern. I didn't know Dr. Cloern personally, but his tireless work and mentorship was foundational to how we understand the dynamics of the Bay and Delta. As a scientist at the USGS, Jim and his colleagues initiated a Bay monitoring and research program in 1969 that is still going strong today, providing one of the longest records of water quality measurements in a North American estuary.

There have been many obituaries written about Dr. Cloern, but my favorite was from Ariel Okomoto, a journalist, in *Maven's Notebook*, so I will just end with this quote:

> "A man died recently who was one of my heroes. Inside his big brain lay the secrets of San Francisco Bay. In one sentence he could explain the relationships between the tiny plants drifting aimlessly in the shallows, the muscular salmon leaping upstream, and the health of the planet… I noticed how he mentored young scientists, raised up women scientists, collaborated with other scientists, to connect the dots. When I called him a "super scientist" in one of my stories, he didn't like it. It didn't fit his view of the kind of science he did, the kind that stuck to the methods, the results, the protocols and peer reviews. Certainly, his kind of science discouraged superlatives."

With that, thank you, and that concludes my remarks, Chair Wasserman.

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

Commissioner Showalter commented: This is the first that I had heard that Jim Cloern had passed away. I am just very, very saddened by it. He was a part of my life during I guess about 20 years at least of my profession. One of the things that as a young hydrologist at the USGS I always appreciated him for was his ability to talk to everybody, no matter what place you were in the sort of hierarchy, about any question that you had.

And then as time went on and he retired he got very, very involved in community scientific activities. He worked on Stevens Creek with local people to take a look at the microbes that were in the area of Stevens Creek, the part of Stevens Creek that was natural, and the part of Stevens Creek that had been destroyed by reservoir and other activities.

He really was the kind of person that was just brilliant on the one hand and just incredibly kind and nurturing on the other hand. So, I hope that if there is somebody in the world who makes a list and can carry it out of who gets cloned, he is on that list. I just wanted to share that.

Commissioner Gunther was recognized: Thank you, Mr. Chairman. I was lucky enough to consider Jim Cloern one of my mentors and he will be missed in our region.

Jessica, I do want to thank you for bringing forward the action that is underway with regard to marine safety and bridges and ships. If any of my fellow Commissioners have not taken time to read the *Ports and Waterways Safety Assessment,* I would encourage you to do it. I did so and found that we have a lot of work to do in this area and I am glad to hear that it is underway. I will leave it like that. If anyone wants to talk to me about more just reach out to me. Thanks.

Chair Wasserman continued: Thank you. I see no other hands.

6. Consent Calendar

a) Approval of Minutes for the February 19, 2026 Meeting

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

(No members of the public addressed the Commission.)

Commissioner Gunther stated: I just have a small edit to the minutes. On page 5 where I am discussing the recent results from Greenland and it says 100 to 1,000 years, but it should read 100,000 years.

Chair Wasserman stated: With that correction I would ask for a motion and a second to adopt the Consent Calendar.

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

VOTE: The motion carried with a vote of 14-0-1 with Commissioners Dorsey, Eklund, Gauthier, Gilmore, Gioia, Gonzalez, Gunther, Hermosillo, Manfree, Nelson, Pemberton, Showalter, Acting Vice Chair Randolph and Chair Wasserman voting, “YES”, no “NO” votes, and Commissioner Eckerle voting “ABSTAIN”.

7. Commission Consideration of Administrative Matters. Chair Wasserman asked if there were any questions or comments regarding the Administrative Listing.

(No members of the public addressed the Commission.)

(No questions were posed.)

8. Commission Consideration and Possible Vote on Proposed Amendments to BCDC Permitting Regulations. Chair Wasserman announced: That brings us to Item 8, consideration and possible vote on proposed amendments to our BCDC permitting regulations.

This measure, which we have heard a fair amount about, proposes amendments to our permitting regulations in order to streamline and improve the regionwide programmatic permit program, reduce permitting burdens for straightforward and routine activities, and make other updates to clarify and improve the regulations.

This is the fourth time that these proposed amendments have been presented to the Commission, most recently last November 20 in a public hearing. Staff has responded to all comments received during the comment period and today we may vote to adopt the package.

I will note that in addition to this package, staff is also continuing to develop further amendments to the regulations, particularly to facilitate administrative permitting of habitat restoration projects.

I want to emphasize that this is an ongoing process. A number of the public comments, a number of the concerns the Commissioners have addressed issues largely outside the scope of what is being done. There is a chunk that was proposed initially that was pulled because it did need further study, so these are going to be brought back to us in the future. We are talking about what is before us that Ethan will present and that has been submitted to us. Ethan Lavine will make the staff presentation and recommendation.

Assistant Regulatory Director for Climate Adaptation Lavine addressed attendees: Thanks, Chair Wasserman, and good afternoon, Commissioners. I am Ethan Lavine and I am here with Mark Zeppetello, BCDC's former General Counsel and here as a retired annuitant working on this project.

We are back in front of you today on the proposed amendments to our permit regulations that we have been discussing with the Commissioners since we first brought those initial concepts back in May of last year. Now having considered and responded to two rounds of public comment on the proposal, today is the day when the Commission may vote to adopt these amendments.

These, just to put them in full context, are part of that overall effort that BCDC is undertaking to modernize our permitting program and make it more efficient, effective and transparent. So, just one piece, but that is a piece of that larger puzzle.

As I have done in the previous presentations on this proposal I am going to start by making sure we are on the same page about what regulations are exactly, so let's start with some basic definitions.

A regulation is a rule or a standard that helps to implement, interpret or clarify a law. So, when BCDC creates or updates regulations we are putting into place the specific rules that allow us to carry out our mandate under the McAteer-Petris Act and the Suisun Marsh Preservation Act with more detail and specificity than you find in those laws.

The Commission's regulations are codified in the California Code of Regulations, and they cover all aspects of how we administer our program. This includes everything from major permit procedures that come before the full Commission, to administrative and emergency permits that are mostly handled by the Executive Director, to regionwide permits that can streamline approval for categories of mostly small-scale and straightforward projects.

Regulations are changed through a process called rulemaking, and that process is designed to ensure robust public participation through comment periods and public hearings to create a transparent record for documenting the rationale and evidence for each proposed change, and to meet the legal standards as required by the California Administrative Procedures Act.

So, let me walk you through the rulemaking process, including clarifying exactly where we are today.

So, we started developing concepts for these regulations and presented those to the Commission for the first time back in May of 2025. Based on the feedback from the Commission and the public at that time we developed those concepts further for several months before presenting them again to the Commission on September 20, where we brought forward a full package of proposed amendments.

On September 25 we began what is called the Notice of Proposed Rulemaking. We issued that document and released the proposed regulations, including amendments to the existing regulations to the public and began soliciting input and feedback. That kicked off a 45-day public comment period from September 25 through November 21 of 2025.

As part of that process, we came back to the Commission on November 20 for a public hearing, giving people the opportunity to comment here at the Commission in person.

After the comment period closed, staff reviewed everything we received, which included eight written comments in total. Two organizations that submitted letters also provided oral comments at the public hearing. And we will come back to discuss those comments and our responses in just a few minutes.

Based on what we heard during the 45-day public comment period, staff also made some revisions to address concerns and improve the clarity of the proposed amendments.

Because several of those revisions were substantive, state law required us to provide an additional 15-day comment period specifically on the changes that we made. We issued that notice on January 20 and received one additional written public comment.

That brings us to today where the Commission has the opportunity to vote on whether to adopt these amended regulations. Now the process does not stop here. If you adopt the amendments today here is what happens next.

First, staff will submit the complete rulemaking file to the Office of Administrative Law, or OAL, and their job is to review the package for compliance with the California Administrative Procedures Act.

OAL has a minimum of 30 working days to conduct that review, and they may require us to make additional revisions to meet the legal standards. But once OAL approves the package they will send it to the Secretary of State for publication in the California Code of Regulations, and that is when the new regulations go into effect.

So, that is the entire process from concept development to regulations going into effect under state law. Even this is a simplified view because after we go through the state's process, we will also be submitting the regulations to NOAA and requesting approval of a program change to our Coastal Management Program for purposes of consistency review under the CZMA.

As we discussed with the Commission at past meetings, the proposed changes fall into three main categories, the first of which is streamlining and improving the regionwide permit program. The proposed regulations completely replace the existing chapters governing regionwide and abbreviated regionwide permits, two very similar programs whose minor differences cause confusion, and puts them into a single program with a 10-day processing timeline and application questions ready to move into an online permitting portal when that comes online later this year or early next year.

Second is reducing burdens for straightforward and routine activities. The proposed regulations create 20 categories of projects that occur within BCDC's shoreline band jurisdiction that will not require permits by the Commission going forward, if adopted. These are straightforward projects with minimal environmental risks, things like renovations and accessory structures. The exemption does not apply to projects that would adversely impact public access or block views of the Bay from the nearest public road or other publicly accessible locations.

Lastly, is making other targeted updates to clarify and improve the permit rules. So, this catchall category includes targeted fixes to address various items where the existing rules are unclear or need a small fix, such as adding a new section providing clear definitions that distinguish between the Commission's various permit categories, explaining how legal deadlines work, and adding sections to clarify terms and concepts about the Commission's jurisdiction.

Let me turn to the public comment that we received through this process.

During the 45-day public comment period we received eight written comments at a public hearing here before the Commission. Two of the organizations that wrote comment letters also made comments in person.

Staff made some revisions to the proposed regulations in response to these comments and recirculated for a second 15-day comment period, as required by the State Administrative Procedures Act.

During the 15-day comment period, we received one additional comment. The purpose of the second comment period is to focus on the specific changes we made. However, that comment we received in the second comment period actually related to sections that had not been modified so I am just going to address all the comments here together.

What were some of the common themes among the comments we received?

Well, many commenters voiced overall support for the effort to streamline and clarify the rules.

We did hear several concerns about requests for specific changes, some of which we have addressed, and I will discuss those in a moment.

As Chair Wasserman mentioned, we heard support for a concept we had proposed back in May of last year but that was subsequently removed from the package for further refinement, to make restoration projects up to 1,000 acres in total area qualify for administrative permits. A number of those comments urged to continue to pursue that idea. As was mentioned at the beginning, while it is not part of this package I do want to ensure that we are still working on that broader concept and we do plan to bring forward something to the Commission later this year to help advance that cause of advancing restoration project permitting.

Finally, we heard suggestions for further improvements to BCDC's program that went beyond the scope of what this package actually set out to do. While those ideas are not reflected in the revisions, they do give us many helpful ideas and concepts to explore as part of our ongoing work on regulatory improvements.

Staff carefully reviewed every comment we received. A number of comments raised valuable points, and we made changes in response. For other comments staff either respectfully disagreed or determined that they did not warrant changes to the proposed text, or that they were outside the scope of the proposed amendments. All comments and staff's detailed responses are presented in Section III of the Staff Report, and we have provided thorough explanations for every comment, whether we made changes in response or not.

Based on public input and further staff review we have made changes to the originally proposed language to improve the proposed amendments. Among the key changes are the following.

We changed the threshold for one of the categories of projects that will no longer require a permit from BCDC. We had originally proposed an exemption for permits for renovation and remodeling projects of existing commercial, office, industrial, recreational and multifamily residential structures in the shoreline band that do not expand the footprint and cost up to $500,000. As suggested by one of the commenters who noted that this was a more realistic cost for repairs given the expense of construction in the Bay Area, that threshold has been raised to $2 million, provided that the projects do not result in a substantial change in use as defined elsewhere in our regulations, by, for instance, increasing the intensity of use, or switching the general category of use of the structure.

Next, we removed a change that we had proposed under Section 10125 related to salt ponds and managed wetlands. Section 10125 defines what constitutes a, quote, "substantial change" in use in different areas of the Commission's jurisdiction. Staff's intent was to make that definition more similar across the different BCDC jurisdictions. However, as one commenter noted, the original proposal could have been read to unintentionally expand the definition of substantial change in use in salt ponds and managed wetlands and result in new requirements for when permits are required. That was never staff's intent, so we deleted this change.

We made an additional six changes, and the common theme among those is to increase clarity and consistency across the regulations and to make technical corrections to the text. All those changes are detailed in Section IV of the Staff Report.

This will conclude the staff presentation. We are here to dive in on the details or answer questions.

Staff recommends that the Commission adopt the revised proposed amendments to the permitting regulations as set forth in the Staff Report.

If you vote to adopt today, staff will move forward to submit this package of materials to be reviewed by the Office of Administrative Law. Thank you.

Chair Wasserman announced: We will now open this agenda item for public comment. Each speaker will have three minutes to speak. Sierra, do we have public comments?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Commissioners' questions.

Commissioner Eklund chimed in: Thank you very much, Chair. First of all, great presentation. I am really glad that the staff has pulled out that whole issue about the renovation and nature-based changes. I think having some more discussion on that and allowing some more flexibility would help, I think.

The question I have though is that is there anything in state law that would prohibit us from looking at a jointly issue permit with other state agencies or even federal agencies if there is a permitting requirement that is similar to BCDC's. Is there a requirement where we could not do a joint effort? Did you want me to explain that a little bit more?

Mr. Lavine replied: I am just looking to our legal counsel here to see if he will step in.

Mr. Zeppetello spoke: I will respond just briefly. I do not think there is any real prohibition on that, it would have to be a matter of coordination. From the BCDC perspective you would just have to ensure that it met all the requirements for the Commission to make findings under the McAteer-Petris Act or the Suisun Marsh Preservation Act; and if we were coordinating with another agency the process would have to fulfill their requirements.

I think that the BRRIT is trying to go in that direction. I think it is more a matter of coordination than anything else. It is not really prohibited, but it also is a whole new set of issues beyond the scope of where we are today.

Mr. Scharff chimed in: I think just briefly to clarify. I think the BRRIT is what you are talking about. If you are talking about one permit, that I do not think we can do. I think you could coordinate and you issue the permits together or whatever, but they are separate agencies, separate permits.

Commissioner Eklund asked: So, you do not think that we could do one permit.

Mr. Scharff answered: No.

Commissioner Eklund continued: That has BCDC and let's say like the US EPA on the same piece of paper.

Mr. Scharff replied: No. They are separate permits, but you can coordinate and issue them simultaneously. I really think that is what the BRRIT is all about. It is about coordinating and streamlining the processes to get the permits issued, and that there is no conflicts between the permits and just speed up the process. But no, BCDC has its permits, the Water Board has their permits, and it needs to be that way under state law.

Commissioner Eklund continued: Right. I was not thinking of the BRRIT when I was asking that question. I was thinking of another situation dealing with the US EPA and the Regional Water Quality Control Boards and the State Water Board, where we did issue one permit for both federal and state, and there was not any legislative prohibitions. So, I sure would like to know what the legislative prohibitions would be for BCDC to issue a joint permit if, in fact, the agency wanted to go in that direction.

Mr. Scharff stated: I do not think there is a legislative prohibition, but there is no authorization. The statute all talks about BCDC issuing the permit.

Commissioner Eklund suggested: So, maybe we can talk about this offline, because I am not sure that BCDC would necessarily need to have the authority as long as all the provisions of their permitting were satisfied. But maybe we can have a discussion about that later; and I appreciate that very much.

Commissioner Gonzalez was recognized: Thank you for the presentation, thank you for the work to move towards simplifying things.

I want to bring us to maybe a very specific example without getting an official position or anything like that, right. I am just trying to understand how this would play out in practice.

I am going to take us to a place where a number of shorelines in the Bay Area have riprap in specific locations just to protect whatever happens to be, either a marina or just to protect the Bay Trail. Storms periodically do havoc on that riprap. So, if we were to think about literally replacing, addressing damage, storm damage, not expanding, just literally replacing, is that covered by this sort of regulatory simplification or is that completely different, a different avenue?

Mr. Lavine stated: Yes, I believe, I am about 90 percent sure that we have a regionwide permit which does cover straightforward repairs to shoreline protection devices.

That is one of the major areas that is addressed by this regulation package is to take common activities which occur with enough frequency that it makes sense to write up a permit with existing conditions that you can apply across the board to similar projects that propose similar issues. Make sure that the adequate protections are in place and give applicants a streamlined way to apply for and receive coverage from BCDC.

Commissioner Gonzalez asked: In that process should they be working across multiple stretches, maybe over a five year period, the permit in year 1 would help facilitate subsequent permits on the rest of their shoreline, for example.

Mr. Lavine replied: Oh, I see. So, you are talking about at the level of a jurisdiction working multiple scales.

Commissioner Gonzalez added: Yes. So, you have got East Bay Regional Parks, or you have got a city like Alameda, San Leandro or Oakland, have shorelines that are protected, right. I am from the East Bay. And I think that through time, the maintenance of those protections should be addressed, but sometimes they have not for years. And so now you have to go in and do it, and it is probably not economic given city budgets, county budgets and the like, to do it all at once. And so, I am just trying to think as a very practical matter, when these organizations, these jurisdictions come forward and they are looking for, how can I do this as easily as possible? I am trying to figure out, will this help them in that process? And if so, how? And if not, that is okay too, right?

Mr. Lavine answered: Well, I think that we actually have a couple of strategies for dealing with situations like that, which maybe are not the focus of this regulation package, but which we deploy in situations like that.

One is that with several entities that own large amounts of land across different stretches of the Bay we have adopted a programmatic maintenance permit. So, they come and apply one time, and they set out parameters for what they can do under that permit. Maybe they have to fit within certain definitions. It actually works similar to a regionwide permit in a way. And they have preauthorization to do that, probably getting some additional plan review for the specific episodes that they are planning with the staff.

And then just another approach that some local governments may take is if they are planning out several years into the future they come in and get that authorization through a permit which specifically addressed that whole program, and we issue it, and they can come back and do those over a period of several years.

Commissioner Gonzalez acknowledged: Perfect. Thank you.

Acting Vice Chair Randolph chimed in: I had a question relating to the conditions the staff may recommend to the Commission or may negotiate with permit applicants. Is that process formalized anywhere in the regulation or is that more a matter of internal procedure within the Commission and the staff?

Mr. Lavine explained: The broad structure of the way the permits are, what they have to include is included in the regulations. It does say that the permits will include special conditions. But we come forward and have that conversation with every permit that we bring forward before the Commission. That is why the staff presentations focus on how we see, how we recommend the Commission condition a project to seek its approval.

Acting Vice Chair Randolph clarified: So, in other words, in the regulations it is specified that conditions may be imposed or required, but the criteria for those is not specifically addressed.

Mr. Zeppetello responded: Yes. I would just add that for major permits, and Ethan could correct me, I think it can be a negotiation on some of the contested issues, like public access, for example. This package really addresses more the regionwide permits, which will be ultimately developed and brought before the Commission. But they will be more of generic conditions that will apply to certain activities so you are not going to really be negotiating those, they will be established when the Commission adopts the regionwide permits.

Acting Vice Chair Randolph acknowledged: Understood. Thank you. I might suggest, Mr. Chairman, that this would be an interesting topic to take up separately, but not on this particular item today.

Chair Wasserman asked: Any other Commissioners?

Seeing none, can we have the Staff Recommendation?

Mr. Lavine read the following into the record: Yes. The staff recommends that the Commission adopt the regulation package as identified in the Staff Report.

MOTION: Commissioner Gonzalez moved that the Commission adopt the regulation package as identified in the Staff Report, seconded by Acting Vice Chair Randolph.

VOTE: The motion carried with a vote of 15-0-0 with Commissioners Dorsey, Eckerle, Eklund, Gauthier, Gilmore Gioia, Gonzalez, Gunther, Hermosillo, Manfree, Nelson, Pemberton, Showalter, Acting Vice Chair Randolph and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman continued: Thank you all very much; and thank you, staff, and retired staff, for the very hard work on this matter. Recognizing that the work ain't done.

9. Public Hearing and Possible Vote on the Methodology Proposed by the California Department of Transportation for the Richmond-San Rafael Bridge Environmental Justice Analysis as Required by BCDC Permit No. 1997.001.06. Chair Wasserman stated: That brings us to Item 9, a public hearing and possible vote on the methodology proposed by the California Department of Transportation for the Richmond-San Rafael Bridge Environmental Justice Analysis, as required by BCDC permit number 1997.001.06.

The Commission will now discuss and vote on the proposed methodology to inform the analysis of environmental justice and social equity impacts of providing a multi-use path as long-term public access on the Richmond-San Rafael Bridge. Material Amendment No. Six to BCDC Permit No. 1997.001, approved by the Commission in August 7 of last year, requires that the permittees proposed environmental justice methodology be presented to and approved by the Commission no later than May 7, 2026.

Please note that our focus today is on the methodology, not on the underlying merits of this proposed change, so that we should not go into discussions of whether or not this should be done it all, but rather the methodology that underlies the environmental justice issues.

Katharine Pan, Shoreline Development Permit Manager, will introduce the item.

Shoreline Development Permit Manager Pan addressed the Commission: Good afternoon, Chair Wasserman and Commissioners. I am Katharine Pan, your Shoreline Development Program Manager here at BCDC, and I will be providing the Staff Report for the Richmond-San Rafael Bridge environmental justice methodology.

This item involves an early deliverable required by the Commission when approving Amendment No. Six to BCDC Permit 1997.001 last August for the modifications to the Richmond-San Rafael Bridge Pilot Project.

You were mailed a copy of the proposed methodology and Staff Recommendation on February 20 as well as a revised copy of both last Friday, February 27. Just to note, the primary changes reflected in the revisions were to remove references to National Environmental Policy Act or NEPA review, as it has been determined that there is no federal nexus requiring NEPA review, and to add Tagalog to the list of languages for translations.

I am going to give you a brief introduction to the proposed methodology before handing it off to the project team to present in more detail.

The team includes Caltrans, the Permittee, with their partner in this project, the Bay Area Toll Authority or BATA, as well as the University of California, Berkeley Transportation Sustainability Research Center or TSRC, who is on contract for the analysis.

As a reminder, on August 7, 2025, the Commission approved Amendment No. Six to BCDC Permit Number 1997.001 for the Richmond-San Rafael Bridge. The amendment included a three-year extension and modification of a pilot to test a multi-use public access path in the shoulder of the westbound upper deck of the Bridge.

The approved modifications included a change in the availability of the path, which had been open full-time since November 16, 2019, to a part-time schedule. The schedule involves converting the path to an emergency shoulder from Sunday evening through Thursday afternoon by removing the concrete barrier protecting the path and then reopening the path Thursday afternoon through Sunday evening by replacing the barrier. On days the path is closed, Caltrans must operate a free shuttle service for cyclists and pedestrians to help them cross the Bridge.

The purpose of the modified schedule is for Caltrans and BATA to test the potential operations of the Westbound Improvement Project, which proposes a similar schedule where the upper deck would be configured to include a part-time HOV lane from Sunday evening through Thursday afternoon and a public path from Thursday afternoon through Sunday evening. The modified pilot is part of the planning environmental phase of the Westbound Improvement Project's development which is ongoing.

At the end of the modified pilot, Caltrans is required to seek another permit amendment that includes a long-term public access proposal for the Bridge, which may involve a version of the Westbound Improvement Project with a part-time path, a version of the previously piloted full-time path, or another alternative configuration. Whatever they ultimately propose, it is expected to be grounded in the findings from the pilot.

And just as an update, Caltrans and BATA began implementation of the modified pilot and shuttle service on October 27 2025.

The permit requires Caltrans to complete a number of studies during the pilot period, the results of which will be presented to the Commission before the end of 2028.

One of these studies is an Environmental Justice Analysis that assesses the potential environmental justice and social equity impacts of providing the multi-use path as long-term public access on the Bridge. Here is the actual text of the special condition from the permit detailing the requirements and I will highlight the key parts of this special condition.

First, this analysis should incorporate meaningful engagement with local community members, path users, other Bridge users, and subject matter experts.

It should also include an evaluation of the environmental justice and social equity issues raised by the public during the Commission's consideration of Amendment Six.

And it should be aligned with any Bay Plan policies regarding environmental justice and social equity.

At the time Amendment Six was approved, Caltrans and BATA had not yet analyzed the potential environmental justice impacts associated with the pilot. This was in part because the Commission's EJ policies had not yet been adopted at the time the original pilot study was scoped, and in part because they plan to build the analysis into the scope for the extended, modified pilot.

When deliberating the amendment, Commissioners were concerned that an analysis had not been completed and wanted to make sure that the upcoming analysis would adequately address the informational needs of the Commission so that any future amendment requests could be based on meaningful data.

Therefore, the Commission included a requirement in the permit for Caltrans to present a methodology for the analysis, including a list of potential stakeholders for Commission approval within nine months, or by May 7, 2026; and that is the purpose of this hearing today.

Caltrans and BATA have contracted TSRC at UC Berkeley to support development and implementation of the required EJ analysis. Since August, the project team has worked to adjust their proposed scope of work for the analysis to meet the terms of the permit condition. They have consulted with BCDC staff, including members of our Environmental Justice Team, and presented a preliminary draft of the methodology to

the Environmental Justice Commissioner Working Group at their November 20 meeting. Also present at that meeting were BCDC's Environmental Justice Advisors and Chair Wasserman and Commissioners Gilmore, Gioia and Nelson, and some members of the public.

Those in attendance provided some excellent feedback on the draft methodology, including recommendations to help expand the list of stakeholders, diversify outreach methods, make meetings more accessible, consider equity in planning the outreach strategy, and being considerate of messaging.

The project team responded to these comments and revised the methodology and the responses are included as attachments to the Staff Recommendation for this item.

The revised methodology was shared with the EJ Working Group, EJ Advisors and other participating Commissioners. No further concerns were raised, but we did hear questions about how tribal outreach might be conducted, and if there is a way to evaluate the effect of compensation and incentives on participation. And these were shared with the project team as they finalized proposal for the Commission.

Now I would like to invite the project team to present the proposed methodology. Presenting on behalf of Caltrans and BATA is Elliot Martin from the UC Berkeley Transportation Sustainability Research Center; and there are also a number of other project team members present who will be available to answer any questions at the end. From Caltrans we have Larry Bonner, the Chief of the Office of Environmental Analysis with us online, and Muthanna Omran, the Project Manager for this project, who is here in the Board Room. And from BATA we have David Mann, Section Director, and Ingrid Supit, the Principal Engineer for Project Delivery. We also have Brooke Wolf from Berkeley TSRC here to answer any questions. I am going to pull up this presentation and pass it on over to Elliot.

Dr. Martin presented the following: Thank you, Commissioners, for the opportunity to be here today. My name is Elliot Martin and I am a Research and Development Engineer at UC Berkeley's Transportation Sustainability Research Center. I am here to present our plan methodology for the equity analysis methodology for the Richmond-San Rafael Bridge Pilot evaluation. I am presenting on behalf of our research team, which is co-led by principal investigators Dr. Susan Shaheen and Dr. Francois Dion, and includes research colleagues Adam Cohen, Brooke Wolfe, as well as the broader team of Caltrans and the Bay Area Toll Authority, hereafter referred to as BATA. The research team is under contract with Caltrans and BATA to develop and implement the equity analysis.

As an overview of this presentation, I will be presenting the scope and objective of the equity analysis; key project details and the scope of evaluation, which will provide context for the projects we are evaluating; updates to the methodology from BCDC input; an overview of the Multi-Use Path Pilot Equity Analysis; a list of stakeholders; an overview of the Westbound Improvement Project Equity Analysis; and finally, a summary of schedule.

First, I would like to present the objectives of our equity analysis.

Our objectives include analyzing the potential equity impacts of adapting the shoulder configuration of the westbound deck of the Bridge, including impacts on drivers, cyclists, pedestrians and nearby residents, as well as other vulnerable populations.

This also includes understanding the impacts of the full and part-time multi-use path, as well as the additional modifications that may occur with the Westbound Improvement Project.

And now on to some key project details and the scope of the evaluation.

We will begin with the Multi-Use Path Pilot, which is an ongoing pilot through 2028 with the implementation of a pedestrian and bicycle path on the westbound direction of the Bridge.

The original pilot configuration with 24/7 path access began in November of 2019, and as of October 2025 we are now in the modified pilot stage with part-time path access and a bike shuttle as previously described by Ms. Katharine Pan.

The modification of the extended path pilot was necessary to allow Caltrans and the Bay Area Toll Authority to study potential impacts of configurations associated with the Westbound Improvement Project. The Westbound Improvement Project is a future Caltrans project aiming to reduce congestion and improve access to the Bridge. Potential designs could consist of different combinations of a vehicle lane, multi-use, path or shoulder. The analysis timeline of both projects is intended to be in parallel to inform decision-making.

Next, I will present a high-level overview of the updates we have made to the methodology based on the feedback we received from the EJ Working Group meeting. We appreciate all the feedback we have received and think that these changes will help us more effectively engage with various populations that may be impacted by changes to the Bridge.

First, we expanded the number of long-form interviews to accommodate more engagement with neighborhood and community leaders.

Next, we added eight small group discussions to engage city of Richmond residents.

We added incentives for several different engagements, including the interviews as applicable, including the small group discussions, and surveys. We will also evaluate the effectiveness of incentives on participation.

We expanded the stakeholder list based on the feedback from Commissioners and other commenters. This includes outreach to Tribal Nations that may be impacted by changes to the Bridge.

We have also expanded the survey translation options to include Spanish, Mandarin, Vietnamese and Tagalog. Caltrans will provide translation support in the form of monolingual discussions and in-person translation services.

We also heard concerns about the accessibility of certain locations for the workshops. As such, we have adjusted the plan locations of the workshops in Contra Costa County to be held at either the San Pablo or Richmond City Halls, which are accessible by transit and bus.

We will also be providing robust refreshments such as water, coffee, granola bars, trail mix, fruit and other similar items for workshop participants.

Lastly, we expanded the community equity outreach to include events located at places of worship and hosted by unions.

In the slides that follow these changes are highlighted with blue font.

Now I will present an overview of the Multi-Use Path Pilot Equity Analysis.

To begin with Item 1, we have a literature review.

Its purpose is to help identify gaps in understanding and informing the development of our research tools.

We will review and summarize online resources related to the Richmond-San Rafael multi-use path, including public comments received during the BCDC consideration of permit 1997.001.06, and cover other research related to Bridge configuration.

This task is already underway, and examples of literature we have identified include reports from US DOT, MTC, researchers in the field, as well as public interest groups and organizations. The estimated timeframe of this task is from October 2025 to June of 2030.

Given that we will be engaging with people throughout the course of the study, all of our instruments and planned activities must go through an Institutional Review Board. For Item 2 we are advancing protocols to the UC Berkeley Institutional Review Board for review and approval to ensure that ethical protocols are used for any research instruments that interact with humans. We have received initial approval to proceed with the Multi-Use Path Pilot Evaluation. This task is ongoing, and we will continue to submit additional and updated protocols as the project advances and evolves.

For Item 3, we will be engaged in long-form interviews with up to 40 participants.

The purpose of these interviews is to understand diverse perspectives and concerns associated with different configurations of the westbound deck of the Bridge, inform refinement of surveys, small group discussions, as well as the public workshops.

We will interview representatives of a diverse group of stakeholders such as cities, counties, emergency responders, community-based organizations, unions, local businesses and employers, neighborhood group leaders, and other entities to gain their perspective on and concerns related to the multi-use path configuration of the Bridge.

There will be $75 gift cards are available for CBO and NGO participants. The research team will work with interview participants to determine the applicability of the incentive, as not all participants are from a CBO or NGO and therefore are not paid by their organization to participate.

This task is expected to run from October 2025 to June of 2026.

At this juncture we feel it is useful to present a list of our stakeholders that is inclusive of all the stakeholders that we plan to engage with within the combined context of the Multi-Use Path Pilot Evaluation and the Westbound Improvement Project. Organizations that are in blue text were added as a result of the feedback we received from the EJ Working Group meeting.

You can see the first set of stakeholders listed here within four high-level categories. They include city, county and regional public agencies; local schools and higher education; emergency response and tow truck responders; and local businesses.

On the next slide you can see a broader list of community-based organizations that we plan to engage within at least one of the evaluations. These include various public interest groups as they relate to our environment and society here in the Bay Area.

In this third list of stakeholders, we have unions, associations and business organizations. Following the EJ Working Group meeting we began outreach to Tribal Nations that may be impacted by changes to the Bridge. We have provided a list of the Tribal Nations that we have reached out to here, and we are working with Caltrans to engage with the tribes to determine how and to what degree they want to engage in the study.

For Item 4 we plan to engage in 12 small group discussions. The purpose of this activity is to discuss the possible impacts of past, current and potential future configurations of the westbound deck of the Bridge for users and neighboring residents.

The activity facilitates discussions with up to five participants. We plan to have 12 such discussions consisting of two with drivers who use the Bridge, two with cyclists who use the Bridge, and eight with Richmond residents, including but not limited to the neighborhoods of Point Richmond, Iron Triangle, Santa Fe and North Richmond neighborhoods. We will organize the discussions with residents in coordination with the Richmond Neighborhood Coordinating Council, an approach that was suggested during the EJ Working Group meeting.

Small group discussion, participants will be compensated with a $100 gift card.

The estimated timeframe of this activity is from January 2026 to June of 2026.

For Item 5 we are planning a community survey. The purpose of this survey is to understand the uses of the multi-use path and Bridge and the impacts of potential configurations and of education outreach on path usage.

We will be conducting the survey with response targets of 100 cyclists, 150 drivers and 50 Richmond residents, with deployment estimated to occur between July of 2026 and December of 2026. The survey will be translated into the four languages previously stated.

Survey participants can choose to opt into one of 60 gift cards valued at $50 each.

Following these activities, we plan to present key findings from these research tasks, and this will entail developing an interim report of findings that will inform CEQA documentation, present observational data of Bridge operations, as well as support the final presentation of the report.

The estimated timeframe of completion for this is December of 2027.

Next, I would like to give a similar overview for the planned Equity Analysis of the Westbound Improvement Project. Please note that this will be conducted in addition to the Multi-Use Path Pilot Equity Analysis and inform CEQA analysis.

For Item 7, we are planning a series of eight public workshops.

The purpose of these workshops is to gain community feedback on potential changes to the Bridge.

The workshops will be conducted as eight hybrid virtual and in-person workshops describing the Westbound Improvement Project and gathering community feedback on it.

Each public workshop is expected to accommodate up to 40 participants and focus on equity impacts.

The research team will provide robust refreshments for participants and will also develop and distribute an email newsletter following each event to summarize what we heard from participants, and if known, what agencies plan to do in response to the feedback.

Four are to be held in Marin County and four are to be held in Contra Costa County in or near Richmond. Potential locations include the Transportation Authority of Marin, the San Pablo or Richmond City Halls or the Richmond Memorial Auditorium and Convention Center, all of which are accessible by public transit and bike.

The estimated timeframe for this task is between July of 2026 and April of 2027.

In addition to those eight workshops, we plan to provide support for Caltrans' contractor AECOM with engaging stakeholders identified through the equity analysis for the CEQA workshops.

We will collaborate with AECOM to inform the stakeholders of the WIP and support note taking during the CEQA workshops. Notes from the workshop will be analyzed with a focus on equity considerations and included in the final report.

The estimated timeframe for this task is from January 2026 to June of 2028.

As part of this evaluation, we are also planning a general population survey of Bridge users.

The purpose of this survey is to gain an understanding of Bridge users and potential impacts of changing the westbound deck configuration. This includes questions about Bridge user trip purpose, travel patterns, origin, destination, distances traveled, demographics and other attributes.

We are planning to have a survey sample size of up to 200,000 respondents, and we will aim to match the distribution of respondents to the distribution of home locations of Bridge users, aggregated at a regional level, as closely as possible. We are grateful to have the tentative commitment from the Bay Area Toll Authority to provide us with the aggregate data that will help us match this distribution as best we can.

Lastly, the survey will be translated into the four previously listed languages and will be accessible online and in a mobile format.

The survey and incentives will be administered by Qualtrics, an online survey platform that will disseminate our survey.

The estimated timeframe for this activity is from March 2027 to December of 2027.

In addition to the general population survey, we are also planning a community equity survey of up to 400 participants. Please note that this is different from the community survey mentioned earlier.

The purpose of this survey is to gain a greater understanding of the social equity impacts of the WIP by engaging with community-based organizations and community events, including events at places of worship and events hosted by unions.

The survey will be conducted by paper and online to engage through to engage individuals through CBOs and other events.

The estimated sample will include 200 responses from individuals living west of the Bridge and 200 responses from individuals living east of the Bridge. The survey will be translated into the four previously stated languages, and participants may opt into receiving a $25 gift card for their time.

The estimated timeframe for this task will be from July 2027 to December of 2027.

Finally, we will complete the project with the summary of findings. In this we will present key outputs from the research tasks through a presentation and report describing overall findings.

The planned timeframe for these findings consists of from December 2027 when we will present the Interim Report for the WIP informing the CEQA documentation, December of 2028 when we plan to report the findings to BCDC, and finally December of 2030 when we plan to complete the Final Report and presentation for the Caltrans WIP.

And with that I will present on this slide the summary of our schedule, which reflects the timeframes I have previously mentioned and are summarized here.

This concludes our presentation. I would be happy to take any questions. Thank you for the opportunity to present today.

Ms. Pan stated: I think that is our presentation. We can move on to the next step.

Chair Wasserman asked: Public comment?

Dani Lanis commented: I am a Richmond resident. My name is Dani Lanis. I also advocate for the path staying open 24/7.

I am sad to see the list of neighborhood councils that will be voicing their opinion on this, because I know, as a neighbor, I do not attend certain neighborhood council meetings because they lean a certain way that I do not agree with, and I am such a minority there usually. They tend to be intimidating to some folks, because there is such a vast majority of people that think a certain way. Every single one that is listed there, I am afraid to talk with, and I am afraid that that is going to affect significantly the results. That's all. Thank you.

Chair Wasserman asked: Questions from Commissioners?

Commissioner Gioia chimed in: In fact, the comment from the speaker is on the same subject of what I was going to address on neighborhood councils. I noticed on page 22 of the report it lists the Richmond Neighborhood Coordinating Council, which is the umbrella organization of the 20 or so neighborhood councils that exist in Richmond. And then on who you are interviewing you listed, I think, four neighborhood councils, North Richmond, Santa Fe, Iron Triangle and Point Richmond. You did not list them under the stakeholder groups.

I think for thoroughness under the stakeholder it should say Richmond Neighborhood Coordinating Council and interested neighborhood councils. Because RNCC is the umbrella organization that has the president of each of the 20 neighborhood councils. I think the RNCC stakeholder should be expanded to say that it includes each of Richmond's neighborhood councils who may choose to participate or not, right? We cannot force folks to participate. I just wanted to clarify that. If we can do that. Again, that was on page 22 where you listed the stakeholders. Every neighborhood council, right, has its own points of view, some across the spectrum, and I know the point that Dani raised.

I do see on here that a number of the bicycle advocacy resident groups are included, including Rich City Rides and others, so hopefully that allows a spectrum of points of view.

As to ultimately deciding which neighborhoods to interview. Again, you pointed out several of the ones but not all. I am wondering if maybe you put, in consultation with RNCC, because that has a broader range of neighborhoods, and figuring out which of the neighborhoods may want to be interviewed. Because Coronado is right next to Santa Fe. Rather than preselect which ones you are interviewing, you should do it in consultation with RNCC, which has all of the neighborhoods. And they may say, well, here's four or five that should be interviewed.

So, those are two comments that I will make. Does the staff want to add anything on that? I am glad to specify more if needed.

Dr. Martin commented: Thank you very much for that comment. I think that very much reflects the intention of our outreach to the neighborhood coordinating councils. There is not going to be sort of a preselected group of them or any group that we would exclude with regards to engaging in these discussions.

Commissioner Gioia stated: Then the language should say RNCC and Richmond Neighborhood Councils because they are all included in RNCC. But then in another part you mentioned four of the ones you are going to include in the stakeholder interviews. And it may be that instead of stating them you state, in consultation with RNCC, because they have public meetings.

Dr. Martin acknowledged: I think it would be a very fair change. Thank you.

Commissioner Manfree was recognized: I just had a quick question on the presentation. It looked like setting targets for 200 to the east of the Bridge, 200 to the west of the Bridge, seems pretty coarse as a way to set targets for engagement, because the usership is not split 50/50, to my knowledge, between either side of the Richmond Bridge.

My two cents would be a suggestion to scale that by usership or perhaps by population, because also that is going to be very unequal. But probably estimated usership would make the most sense since that is what you are trying to figure out.

And then also I am wondering if the UC Berkeley Center, I did not catch the whole name, Transportation, Sustainability and something, something. If you are going to stratify users by type at all? So, whether it is commercial or workaday traffic, or recreational traffic, or cyclists and walkers, to make sure that the sample is spread out across user types in some way. Thank you.

Dr. Martin commented: Thank you for that comment. I can say with respect to stratification, certainly the analysis will permit us to stratify by user type. We cannot necessarily control who decides or what number of people decide to engage with the survey. The general population survey is intended to do a bit of this balancing by population so that we understand, and again, through data that we hope to have provided by BATA, knowing what the balance is of folks who use the Bridge and where they are based so that we are matching that as closely as possible.

And with regards to the sample targets of 200. I would say that these are targets. If we get more responses on one side in meeting the targets, we are not going to cut off responses to the community equity survey. But we did want to make sure that we did have a good geographic representation of both sides of the Bridge.

Commissioner Showalter was recognized: First, I have a couple of comments. First of all, I want to thank all the people who provided comments and worked with the consultants and the staff on this. I have been on the EJ Committee, but I was not able to take part in this because I was at a conference; but thanks to everybody who did, you made some really important comments.

I just wanted to add that there is a very, very long list of checklists and tasks in this project work plan. And I think it is going to be very important for everyone involved to remember that what you are really getting to is the desires of the community as a whole and how they fit together and how those desires will impact the project, and how the project will, of course, impact them.

I guess my comment is that, do not get lost in just checking all the boxes that are in this very long list. Make sure that you take time to think about how it all fits together. Because that is what we really care about, is how it all fits together.

And then the other thing I wanted to say is I am glad to see that the Institutional Review at UC Berkeley is involved. I think the fact that UC Berkeley is involved means that there is a potential for this project to have important research implications as a case study for environmental justice. As an alum, I hope that UC Berkeley will take advantage of this opportunity to use this research appropriately. So, thank you.

Commissioner Ecklund had questions: Thank you. I just need to ask some clarifying questions. As I read the Staff Report it said that the Multi-Use Path Pilot actually started, I guess 24/7, in 2016, is that correct?

Ms. Pan stated: It originally opened in 2019.

Commissioner Eklund acknowledged: Okay, 2019, okay. So, it was approved in 2016 but then not implemented until 2019, correct? Okay, great. And so that was a 24-hour/7 usage, from what I could tell from the Staff Report, is that correct?

Ms. Pan replied: Yes, when it originally opened it was a 24/7 multi-use pathway.

Commissioner Eklund acknowledged: Okay. And then in 2025 is when it changed, is that correct?

Ms. Pan answered: Yes. The amendment to permit the change was approved in August of last year, and then implementation began in October this past year.

Commissioner Eklund continued: And so, there was a dramatic change to only usage half of the time, probably even less than that, than what it was before. And then so that way, the number of the lanes on the Bridge expanded back to what it was originally, is that correct?

Ms. Pan explained: The original configuration of the Bridge before the pilot was implemented in 2019 was two lanes of westbound traffic and a shoulder. During the pilot that began in 2019 it was two westbound lanes and a bike-pedestrian lane.

And then once the modifications went into effect, the barrier that allows for the multi-use path was shifted. That gets shifted every week on Sunday evening so that there are two lanes on the Bridge, still going westbound, and then also an emergency shoulder. So, the number of lanes is still the same, it is just the difference is it is either a path or a shoulder. And then the path comes back Thursday afternoon.

Commissioner Eklund noted: Okay. But at some point then the use of the path was reduced to certain days of the week, from what I could tell.

Ms. Pan agreed: Correct.

Commissioner Eklund continued: Now this change, is that reducing it even more, or is that just extending it for additional evaluation?

Ms. Pan answered: The amended project. So, this change was that project. It began already in October and it is going to continue for the next few years.

Commissioner Eklund acknowledged: Okay. So, it is staying. This is what was done last year.

Ms. Pan agreed: Correct. What we are talking about right now is when that was approved the Commission wanted to see the methodology that Caltrans is going to use to evaluate the environmental justice impact of the path, generally, but also that modification. This is the proposed methodology that they would like to use to assess that.

Commissioner Eklund acknowledged: Okay, great. Thank you for the explanation and the clarification, appreciate it.

Acting Vice Chair Randolph addressed proportionality of users: I had a question on the first survey. I think on the slide it was under Item Number 6, where I think the target was 100 cyclists and 150 drivers. It struck me, and I acknowledge it is just a target as you were saying earlier on a different question, that does not seem anywhere close to being proportional to the number of people who are on bikes and the number of people who are driving. I just want to suggest you look again at those targets, because I know 100 is not the totality of bike users on the Bridge, but it might be close. But there are so many people who are driving that the targets just do not seem to be related to the proportional use.

Dr. Martin explained: Thank you, and we appreciate that comment. We actually did, as far as deliberations on this survey, did shift it more towards drivers in response to similar feedback that we got. With this survey, given the higher target of let's say the 100 cyclists, this will give us a good opportunity to get a robust understanding of how bicyclists respond or feel about the multi-use path and how it is working with them. It gives us a good, let's say, statistically significant sample to evaluate with regards to those sentiments.

Other surveys as part of this will have the opportunity to explore the broader population, and I think that that will offer, let's say, by mode use, a more representative view of how much there are drivers versus how much there are bicyclists. These are, again, targets, but they are designed so that we get a good mode focus sample of those using the Bridge in each case.

Acting Vice Chair Randolph stated: Okay. I just think the question of proportionality is going to be important.

Commissioner Gonzalez chimed in: Okay, so just big picture, big picture methodology is fine. Academically robust, that's fine. I think that the details about who you interview, that really just goes to the people locally, like Commissioner Gioia and others that have specific knowledge of that location, so I would encourage you to make sure that you are taking their feedback.

As far as the statistical analysis is concerned, that does not bother me at all. We do not need equally weighted, equal samples from both sides. We cannot have equal samples because it all goes to the weighting and how you take what you learn from those mean values. That is just statistic sort of stuff, so that does not bother me.

But what really does catch my attention is that the real magic lies in the questions that you ask and how you measure equity impacts, because that is where the rubber meets the road. And I do not see a lot of detail about that part, so can you spend some time talking about when you say Environmental Justice Analysis or Social Equity Analysis, what are some of those questions that you are going to ask and how are you going to interpret what you hear? Give me some hypotheticals.

Dr. Martin explained: Yes, I can speak a bit to that. And first off, I will also add that one of the purposes of some of the qualitative instruments that we have placed in this methodology is in part to inform these questions. There is sort of a chronological order in what we are doing for these surveys so that we can have the opportunity to take input and realize we need to add certain questions or address certain issues that maybe we did not think about. Sort of to know what we do not know.

But questions that we plan on including in this survey are, trip purpose. Things to understand. Why are people using the Bridge? What time are they using the Bridge? For what? What are their destinations? Where are they starting? What are the reasons why they are choosing the modes that they are using? Also, what are their demographic distributions? So, we have an understanding of not only who is using the Bridge, why they are using the Bridge, when they are using it, but also what populations they represent and what communities they represent.

Commissioner Gonzalez continued: What is kind of what I would expect you to be asking, but I think the magic is in the so what? So, the trip is to go to work. How does that inform social equity analysis? Or how does that inform environmental justice analysis?

Dr. Martin: Sure. The distribution of trip purpose is very important because we want to understand. If we have a large population of drivers that are using the Bridge for the purposes of work versus another mode that might be using it more for recreation, we have to balance those two needs, and also in the context of overall passenger throughput. That would be the so what is understanding some of the trip purposes. Why they are being used, who is using them. So, it is trip purpose also cross-referenced with, say, the demographics of those using the Bridge, so that we understand more broadly, not only just within modes, but also as a distribution of the population, why is the Bridge being used and what are the reasons for that use robustly within the population,.

Commissioner Gonzalez offered a hypothetical: If you will indulge me with just one last question. What I hear you saying is that you are going to provide us with information, factual information about usage. The ultimate question I think is how that information would be used to reach a conclusion. So, let's just hypothesize that a disproportionate number of people use the Bridge to get to work. Let's hypothesize that they are people of color. Just at a surface level, not trying to prejudge your report by any means, but help me understand how that fits together into a analysis that reaches a conclusion.

Dr. Martin replied: Not knowing how the results will be.

Commissioner Gonzalez acknowledged: Of course.

Dr. Martin continued: When we collect information like that, it gives us insight as to if we do something specific to this Bridge this may impose certain consequences on specific populations that we were not necessarily aware of, and that we should be cognizant that certain communities might be impacted in ways that are disproportionate as a result of certain changes that might happen to the Bridge. Either that is a change in capacity that might be impacting, say, vehicle traffic, or another change in capacity or infrastructure that impacts multimodal use.

The point of collecting this data is to draw upon these insights and determine, is this just a matter of, like, it is a bridge and it does not really matter what distribution of population is using it because everybody uses it equally, or are there certain communities that are impacted by its use.

But I also want to add that a very important part of the investigation is how is this Bridge and its changes to impact the communities that are surrounding it? So, if certain changes make traffic impacts on surrounding communities, that will impact folks who maybe never use the Bridge, but they live in the communities surrounding the Bridge, and we need to understand those issues as well. So, the qualitative and quantitative components of this evaluation are designed to address and collectively see all of those issues.

Chair Wasserman noted: I see no other hands raised. Could you please present the Staff Recommendation.

Ms. Pan read the following into the record: The Staff Recommendation is that for the purposes of Special Condition II.D.5.d.(2) of Amendment Six of BCDC Permit Number 1997.001.

Staff recommends that the Commission approve the proposed methodology for the analysis of environmental justice and social equity impacts of providing a multi-use path as long-term public access on the Bridge, based on the findings that it will:

- Allow Caltrans to effectively analyze the potential environmental justice and social equity impacts;
- Will allow for meaningful engagement with local community members, path users, and other Bridge users, and subject matter experts;
- Includes an evaluation of environmental justice and social equity issues raised by the public during the Commission's consideration of Amendment No. Six;
- Will ensure consistency with any Bay Plan policies regarding environmental justice and social equity at the time the study is submitted; and
- Includes a list of potential stakeholders.

Commissioner Gioia chimed in: I will make a motion as long as it also includes the language suggestions addressing Richmond Neighborhood Coordinating Council and other neighborhoods in Richmond, as I suggested.

Commissioner Hermosillo added: Second by Hermosillo.

Chair Wasserman asked: Does the applicant accept the Staff Recommendation? I need a Caltrans voice. We got the thumbs up. I will accept the thumbs up.

Mr. Omran added: How about the thumbs up and a yes.

Chair Wasserman acknowledged: Thank you.

MOTION: Commissioner Gioia moved approval of the Staff Recommendation with the addition of language addressing the Richmond Neighborhood Coordinating Council and Richmond Neighborhood Councils, seconded by Commissioner Hermosillo.

VOTE: The motion carried with a vote of 15-0-0 with Commissioners Dorsey, Eckerle, Eklund, Gauthier, Gilmore Gioia, Gonzalez, Gunther, Hermosillo, Manfree, Nelson, Pemberton, Showalter, Acting Vice Chair Randolph and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman acknowledged: Thank you. And thank all of you for your hard work on the methodology.

10. Legislative Briefing. Chair Wasserman announced: That brings us to item 10, a legislative briefing. Our Director of Legislative and External Affairs Rylan Gervase will provide an update on pending state and federal legislation matters.

Director of Legislative and External Affairs Gervase addressed the Commission: Thank you, Mr. Chair.

Commissioners, almost 2000 bills have been introduced so far this year, and that is without even counting the so-called two-year bills, which are bills still alive from last year's part of the session. Many of these bills are spot bills, meaning that they are placeholders without substantive language. In order to be referred to a committee, they must be amended into a substantive proposal.

We will watch this play out over the next few weeks as hundreds of these bills maneuver to secure hearings in the policy committees by the deadlines in early May. All of this is to say that today's briefing is not going to be the full universe of bills of interest to BCDC. As bills get amended, we can expect a considerable number of them to affect our work.

Pivoting quickly to some federal matters. As was mentioned by a couple of speakers today, Executive Director Goldzband and Regulatory Director Ross are in DC with the Coastal States Organization, advocating to maintain federal funding for the nation's Coastal Zone Management Program, of which BCDC is a part. So far, the good news is here is that Congress has kept funding flat despite deep cuts proposed to NOAA's programs by the President. I will cover that in more detail at our next legislative briefing in June.

In the meantime, here is a picture of Larry and his counterparts at the Coastal Commission and the State Coastal Conservancy at NOAA's headquarters in Silver Springs, Maryland. And yes, that is a NOAA submarine in the back. We are posting more highlights of their adventures on our LinkedIn and Instagram so please follow along if you want to view that. And with that, I will dive into the bills.

Our first bill today, AB 2051 by Assembly Member Wicks, has the potential to reshape how coastal resilience permitting works, both in the Bay and on the outer coast.

This bill requires CNRA to convene an interagency working group to provide recommendations to reform coastal resilience permitting by January 1, 2028. Considering that the bill would take effect January 1, 2027, that is about a year. And considering the number of agencies involved, that is about a year to do a whole lot of work.

This working group would include representatives from over a dozen different federal, state and local agencies including BCDC, the Coastal Commission, CDFW, the State Water Board, the State Coastal Conservancy, and many others.

The group would put together a road map with recommendations to the Legislature on many different proposals, including some that we might support, like an interagency permitting team, AKA BRRIT, for gray infrastructure.

Some that we might have some concerns with, like limits on the number of reviews allowed to regulatory agencies, a policy to approve permits earlier in the design process, and allowing de minimis fill of the Bay without mitigation.

And some ideas that we actually already do, like approving some types of permits through consent calendars.

The bill directs the working group to identify ideas that can be implemented by agencies administratively, basically meaning without the need for further legislation.

Also to be identified are legislative reforms, especially those that avoid extensive agency analysis through standardized compensatory mitigation, advanced mitigation, or standard construction practices. And I will say that BCDC has traditionally considered mitigations for projects on a case-by-case basis, rather than using rigid formulas or standards.

The bill also requires a workforce assessment to examine staffing levels and pay for regulatory staff at all of these different agencies.

The bill also requires, or would require, BCDC and the Coastal Commission to lead an advisory group consisting of a huge number of representatives from various state agencies including Caltrans and the state Coastal Conservancy, local governments implementing the RSAP, Tribes, industry groups including ports and home builders, environmental and environmental justice organizations, and the public.

This advisory group would host a series of public meetings or public workshops to hear feedback on permitting challenges and to provide comment on a draft roadmap being prepared by the Natural Resources Working Group.

The advisory group would be required to convene by April 1, 2027. Which if you are counting, would be about six months before the roadmap is due to the legislature by CNRA.

Also add that this bill is sponsored by the Bay Planning Coalition and the Bay Area Council. As a matter of fact, these organizations approached us in the fall of last year to discuss a possibility of a bill to create this exact interagency working group on permitting reform.

What we did not know at the time was that they were also circulating a list of other legislative concepts, many of which appear as recommendations in this bill that the working group is required to consider. This list of concepts also includes a number of examples of permits that painted BCDC's permitting policies and processes in quite a negative light.

Unfortunately, many of these examples simply got the facts of our permitting decisions and our policies wrong. I will not go into details but suffice it to say our team will be addressing this with the bill sponsors as this bill moves forward during the legislative year.

Assembly Member Wicks is a strong author, and I fully expect that this bill will move forward. We will certainly be engaging and keeping our eye on this one, and for now that is all I have on this one.

Our second bill is AB 1729. Actually, let me take a step back. As you may recall, last spring the Governor ordered all state employees to work in the office at least four days per week. Prior to that, the Governor had set the minimum in-office requirements to two days per week in the last year of the pandemic.

The implementation of the new order was pushed back to July of this year, 2026, as a concession to the public employee unions in exchange for a delay of raises for state employees, to help close the state budget deficit.

A hybrid work model has allowed BCDC to hire employees from around the Bay and even as far away as Sacramento. About half of our senior staff actually commute to the office from Sacramento. Telework is a major benefit that we offer when similar positions in local governments are paying up to 30 percent more than state salaries. So, this policy does have a major impact on our ability to retain as well as recruit our workforce.

So, what this bill does is it declares it is the policy of the state to encourage teleworking by state employees to ensure the cost effective and efficient delivery of services to taxpayers.

It further establishes a dashboard on telework, a dashboard that would be restarted. It was something that the state had but discontinued after their first Return-to-Office Order.

Agencies would also be required to provide justification to their employees for any in-office requirements.

Essentially, this bill is setting up another struggle between public employee unions, the Legislature and the Administration over employee working conditions. I expect that this will play out this summer during budget negotiations. It is important to note for context that the Department of Finance forecasts a much smaller budget deficit than last year, about $3 billion, and it was plugging this budget deficit that played a large role in the telework policy that was rolled out and then pushed back.

It really seems that our current year budget deficit is going to depend on how AI stocks perform, as well as how federal cuts to services that the state relies on proceed.

So, with all this uncertainty over revenues, it is entirely possible that the state may need to come to the bargaining table again with the public employee unions and telework, if that happens, will undoubtedly be one of the sticking points.

Significantly, the Governor's budget does not at this time, include funding to expand office spaces, which is necessary to accommodate more employees reporting into the office after many departments downsized their spaces after moving to a hybrid model. So, I will have more on that bill as that one moves forward in the process in the future.

The next bill, SB 908, is just a spot bill, meaning that it does not have any substantive language at this point. However, it is easy to assume that this will be similar to another bill of Senator Wiener's that died earlier this year. That bill would have allowed ferry terminals to function as a TOD or a Transit-Oriented Development. TODs are state policy that encourages the building of high density, mixed-use and walkable communities within a half mile of transit stations. The law currently incentivizes this by relaxing local zoning ordinances that may restrict high-density housing.

These kinds of rules typically do not impact BCDC's regulatory authority. You still have to get a BCDC permit. Any development within BCDC's jurisdiction will require a BCDC permit and will still need to be consistent with BCDC's policies, even under this proposed bill, including BCDC's requirements for maximum feasible public access consistent with the project.

Typically, this is not usually an obstacle for these types of housing projects, since they mostly include public access. However, TODs do have the effect of encouraging development in and next to BCDC's jurisdiction, where development is encouraged by ferry terminals. The state will need to be careful that in expanding TODs to more shoreline areas, that they are not compromising local jurisdictions' ability to balance development with sea level rise preparedness. This is not something that BCDC does have authority over or can mandate with a permit.

We will similarly be monitoring how this bill affects public lands trust requirements around the Bay. But like I said, still no substantive language so we will have to come back to you on this one.

The final bill today that I wanted to bring up is SB 845, and it is actually pretty straightforward. It places a $23 billion bond on the 2026 budget to fund scientific research, including research on climate change, on oceans, and coastal ecosystems and resources.

The Trump administration's efforts to slash funding for federal scientific agencies is well documented. The President's most recent budget request proposed to cut NOAA's overall budget by more than 27 percent. These cuts would have eliminated the agency's research arm entirely, would have closed weather and climate labs around the nation, and would have eviscerated its budget, along with that of several other NOAA offices.

Fortunately, Congress has voted to reject these cuts so far, but it does raise the question of how much the state can rely on the federal government to properly fund scientific research in future years. So, this bill, assuming that the voters approve the bond fund that would be on the 2026 ballot, would help provide a new source of funds for scientific research in California. It would also create a brand-new state foundation to help distribute these funds.

So, with that, that wraps the briefing for today. You should have received in our second mailing for this meeting a list of the 47 bills that BCDC is tracking along with a brief description. As always, please do not hesitate to reach out to me with any questions. With that, back to you, Mr. Chair.

Chair Wasserman acknowledged: Thank you, Rylan.

Do we have any public comment?

(No members of the public addressed the Commission.)

Chair Wasserman continued: I have a couple of comments that I want to make before giving other Commissioners the opportunity.

On the first bill that was discussed, the letter that Bay Area Council and Bay Planning Coalition submitted to the Legislature had to some extent the appearance of being developed by an AI with a severe hallucinatory problem. It distorted and ignored a number of facts. I want to assure the Commission that staff and I are working to make sure that that is corrected with the Legislature and we will also address it with representatives of the Council and the Coalition.

The bill that is going forward, and as Rylan said is likely to pass given Buffy Wick's support, I will tell you, I have mixed feelings about it. To some extent I think it is a briar patch. But on the other hand, the fundamental purpose of seeking coordination amongst a wide array of both stakeholders and agencies is a good one. The timetable, as Rylan said, is ridiculous. Hopefully that will be addressed. Because if it is going to be a serious effort at all, it cannot be done in that timeframe. Most of you know that I am impatient, typically impatient with how long things take, but that timetable is ridiculously short. We will continue to monitor it closely and be involved and try to make it as productive an effort as possible.

It also is obviously coming forward at a time when there is a shift in the gubernatorial position, and therefore a number of the state agencies that are involved in the effort. It will be an interesting process.

The second one involving the ferry terminals and the TOD designation I think bears some quite significant watching, particularly in coordination, too strong a word, but at least some parallel actions with the study that is being carried out by State Lands and BCDC on what public trust truly means in the face of rising sea level which will address, I think, many of the issues that could be involved in making ferry terminals a TOD and the possible development around them. But I think there are some challenging but interesting possibilities there as well.

Commissioner Nelson commented: Thank you, Chair. Just a couple of thoughts about AB 2051. I will just start by saying I agree with all of the Chair's concerns. In addition to the unrealistic timeline, the Chair highlighted that this bill would take effect just as a new administration is coming on board, and I just wanted to highlight that. That would certainly mean some new, maybe significant, maybe all-new leadership at the Resources Agency at the appointed level in Sacramento, which will tremendously affect, would make that unrealistic timeline even more unrealistic.

And then on top of that there is the budget concern. It is nice that the state's budget picture is moving potentially from catastrophic to merely bad. But given the pressures on the budget in the Legislature, combining an unrealistic timeline with a gubernatorial transition and budget pressure, that is something we really need to keep a close eye on.

The last comment on that bill is given that this bill at least seems to have begun with a report of a series of legislative ideas that got some of our permitting decisions and policies simply wrong, one of the things I want to make sure the staff is paying attention to is the need for this legislation at all.

The Commission has a very strong record, I think. We just had a meeting earlier today discussing potential jurisdictional changes and changes to our permit authority. The work we have done on restoration permitting with the BRRIT process, the work we have done on dredging permitting streamlining, is all work that has been seen as a model to be emulated.

So, one of my questions that I just want to make sure staff is keeping an eye on is, what problem is this legislation addressing? And to the extent that those problems are real, they may well be, is legislation the right forum, or should we simply address those issues administratively as we have done in a number of different areas? That's it for me.

Commissioner Gioia chimed in: I know Assembly Member Wicks has been focused on how to do permit approvals in an efficient way. We use the BRRIT, as folks know, for the San Francisco Bay Restoration Authority and it has been a very good tool. And I am glad to work with BCDC staff. I work with the Assembly Member. She represents our area to work with her on some comments on the bill from BCDC's perspective. Because, Chair, as you said, there are some good things in that bill. And it may be just informing her about some of the issues we are dealing with, some thoughts like on when it is implemented, and I am glad to participate in that. I am working with her on another bill right now. I think this is an interest area for her. She is effective. It would be good having a positive relationship with her to talk about this.

Chair Wasserman acknowledged: Thank you. I will take you up on that, John.

Any other questions?

No. Thank you for the report, Rylan. Thank you for your strong efforts in following these and representing us in Sacramento.

11. Adjournment. There being no further business, the Commission meeting was adjourned at 3:26 p.m.