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DRAFT 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: Draft Minutes for June 18, 2026 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 1:10 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 welcomed participants: Good afternoon, all, and welcome to our hybrid BCDC commission meeting. I am Zack Wasserman and I am the Chair of the Commission. I want to thank those who are here at the Metro Center in-person as well as those virtually.

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

2. Roll Call. Present were: Chair Wasserman, Vice Chair Eisen, Commissioners Ahn, Dumlao (represented by Alternate Pemberton), Eckerle (represented by Alternate Kimball), Eklund, Gioia, Gonzalez, Gunther, Hasz, Janoff, Lee (represented by Alternate Kishimoto), Ramos (represented by Alternate Manfree), Showalter, Tam (represented by Alternate Gilmore), and Taylor. Legislative Appointee Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon) was also represented.

Chair Wasserman announced that a quorum was present.

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

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

(No members of the public addressed the Commission.)

Chair Wasserman continued to the Report of the Chair.

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

a. June 4 Public Workshop Attendance: You may recall that I have started my Chair Report in the last couple of meetings encouraging Commissioners to attend the public workshop that we held two weeks ago to discuss the issue of a possible Bay Plan Amendment to increase beneficial reuse of sediment and soil for wetland restoration.

I have the opportunity to thank many of you for being there and for helping to create one of the best public workshops I have experienced in my 14 years at BCDC.

Commissioners and many members of the public took advantage of the opportunity to build on previous stakeholder work that resulted in the Sediment and Soil Beneficial Reuse Action Plan which BCDC published last year.

We had a terrific discussion throughout the afternoon about a number of important topics.

One of the ones that stood out for me was our focus on beneficial reuse is of course on material generally coming out of the water and making it available to go back in for water-related uses.

But in a number of the subject area topics, it was clear that in order to be as effective and efficient as we should be we need to coordinate with upland fill that is going to stay upland fill because the issues of where it gets stockpiled, how it gets transported, are basically the same. So, as we go forward we are going to be looking at that issue as well as a number of others that were raised.

b. More Events: I do want to let the Commissioners know that BCDC staff are in the planning stages for three separate but linked major conferences and meetings this fall and you are invited to each of them.

The first one will be in September where BCDC is a major co-sponsor of the national meeting held by Restore America's Estuaries, which will be held in San Francisco this year at the Marriott Hotel just below Market Street. BCDC will host numerous panels on a wide variety of subjects. Please let us know if you are interested in attending and our staff will provide you with the information.

Staff are also very involved in working on October's statewide California Resilience Forum in Stockton. While the focus of much of these conferences will be about planning BCDC will be hosting panels on issues such as permitting and financing as well.

On November 9 BCDC will hold its third annual summit celebrating successes and detailing challenges that we face helping to make local governments make our Bay shoreline more resilient. One of the major focuses of that and our efforts will be regionalism.

We are regional Commissioners; we are a regional agency. We have a number of other sister regional agencies. But most of us on our particular agencies are looking at our issues and most of the time properly staying in our lane.

In order to effectively address the problems that confront us, particularly with the attitudes in Washington D.C. today, we need to be more united regionally, thinking more connected regionally, and really thinking about how we fulfill our obligations as regional stewards in working with our Commissioners on other agencies and reaching out to support each other to understand the issues so that we can be as effective as possible in delivering the best result for the citizens of the Bay Area.

I want to note that usually in the past year and a half or more I have made some somewhat negative comments about what is going on in the country. I want to point out two things that are on a more positive note.

The first, which is brand new, you may well have read about it this morning, is that the Senate rejected the Administration's efforts to stop monitoring the ocean and to spend hundreds of millions of dollars dismantling the monitoring system. The Administration has at least for the moment backed down and will not remove monitoring and will allegedly restore monitoring instruments from the Oregon and Washington coasts. It is not clear to me why the Republicans supported this, but I am delighted that they did so and I take it as a positive sign.

Second, there was an article in the *New York Times*, it is actually not brand new in terms of news, but some polling on climate change that actually have some very encouraging numbers. And the polling which was actually done earlier this spring by Gallup showed that 44% of US adults worry a great deal about global warming or climate change, and 22% worry a fair amount about those issues. This is a significant increase over the last few years and indicates that the awareness in the population is increasing and the concern is increasing.

There is a figure in there that I want to delve into more because they also acknowledged or the polling showed that this was a very partisan issue and very different percentages depending on which side of the partisan divide you fall on. But it also reported that 79% of the right-leaning people in France had great concern about climate change. International trends are important, flowing back and forth across the oceans and the world. So, those are both good signs and we need to welcome and acknowledge good signs as much as we do the negative signs.

Commissioner Gunther chimed in: Can I add another good sign, Zack?

Chair Wasserman replied: Of course.

Commissioner Gunther stated: Since I have been at climate education issues for 20 years, I am really impressed with how much the El Niño, growing El Niño has broken through. I just see it everywhere. People are thinking about it, talking about it. That to me represents the fact that there is a baseline of awareness and concern about climate change so that then when you hear about this event that is growing in the Pacific that people are really concerned about it. People are taking action. People are preparing, getting sandbags in place and things like that. And I think that that is an indicator of the same thing.

Executive Director Goldzband commented: Just a note about the legislation that was passed by the Senate. It was a standalone bill that was introduced very, very recently, like within the last couple of days, by Senator Murkowski of Alaska and it was co-sponsored by one of the Democratic senators from Oregon.

I have a call into our friends at the Coastal States but my gut tells me that the reason it passed, and it passed on a voice vote, is that the senators from the Mid-Atlantic states and the Gulf states who have with their House colleagues been the folks who basically have ensured that NOAA funding for coastal zone management has continued despite the Trump Administration zeroing it out in all of their budgets, they firmly understand the need for data.

My bet is that she did a little bit of politicking, I know that that is maybe a bad word, but she talked with them and they all said no problem.

Commissioner Gunther added: I think it also shows the power of commercial fishing lobbyists and commercial fishermen. Certainly, for Murkowski they are very, very loudly spoken in those communities.

Chair Wasserman continued: I do not think politicking should be a bad word. Our country is rooted in, based in politics. There is a lot that goes on in politics that we do not like. There are some things in politics that go on that are just plain bad. And there are unquestionably at times politicians who sell out and are corrupt.

But politics is not fundamentally corrupt. Politics is the basis of our government, and any government. It is a part of the human nature of governing ourselves collectively. I was a politics major, so I am going to defend politics.

c. Next Meeting: We will not hold a meeting in July, so you can consider that an early present on behalf of our country's 250th birthday. Our next Commission meeting will be held on August 6 and staff will alert us early regarding the agenda.

d. Ex Parte Disclosures: That brings us to ex parte disclosures. If anyone has had conversations about adjudicatory matters that have taken place outside of the public forum and you have not reported them in writing through our portal, now is the time to do so verbally, briefly please. Even having reported verbally you do need to report them in writing. Do we have any ex parte disclosures?

(No ex parte communications were disclosed.)

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

Paul McCartney is 84 years old today. Not much more to add there.

With regard to staffing, first I want to introduce you to our four undergraduate interns, and they will rise as I call their names.

Sophia Garcia from Cal is now working with our HR and Enforcement teams part of our External Affairs and GIS teams.

Nicole Shkurovich, also from Cal, is now part of our External Affairs and GIS teams.

From UCLA comes Sydney Quan who will be spending time with IT and our Sediment group.

Last, but certainly not least, is Ryan Roberson from Cal Poly Humboldt, our CSU COAST Intern, Vice Chair Eisen, who will be working with GIS and EJ.

You will see them again in August when they make their end-of-summer presentation.

I will remind you that the CSU COAST program is a marvelous, marvelous internship program separate from ours that takes a lot of students and puts them in science-based programs. We certainly look forward to continuing that relationship.

Next, I am even more pleased to let you know that we will be hiring Sam Stromberg to work with our public access and GIS teams to create a shoreline access guide for the Bay.

The reason that I am even more pleased is that Sam was once a BCDC intern. Not very long ago, and not as an undergrad. But it demonstrates the incredible value of having interns. We know Sam's capacity, his ability, and we are thrilled that he will rejoin us.

Sam is a Wildcat from the University of Kentucky at which he earned his undergraduate degree in environmental studies and economics. He just completed his master's degree in environmental policy and management from U.C. Davis, so he is an Aggie.

So, about the budget. You may have read that the Legislature's adopted budget has essentially zeroed out Greenhouse Gas Reduction Funds (GGRF) for the entirety of the executive branch's baseline spending.

BCDC receives about $2 million annually of GGRF funding, which is a drop in the GGRF bucket. While decisions that will be made are far above our pay grade, I shall keep the Commission informed of whether and how any upcoming decisions will affect our operations.

Speaking of budget, I am sure that you will have recognized that within the

Consent Calendar are two major contracts for which staff are asking for Commission approval.

The first will move our permitting roadmap very far forward by revising holistically our programmatic permits and also scoping out possibilities for further permitting reforms.

The second is a smaller contract that will continue BCDC's leadership as we move Bay Adapt forward.

We look forward to your assent, and we are certainly happy to answer questions if you have any.

BCDC has launched the new Regional Shoreline Adaptation Plan Peer Learning Community, for which we definitely need an acronym. This pilot program is designed to support local government staff as they develop SB 272 local shoreline resilience plans. Invitations have been sent to staff at each local government within BCDC's jurisdiction. The first meeting will be held in July, and we want it to offer a trusted space to exchange lessons learned, discuss common challenges and figure out how to resolve them, and strengthen the resilience community.

If you are interested in this effort, please reach out to us and reach out to your city and county planners, who have all received invitations.

I also want to note that the Town of Tiburon is starting to prepare its local shoreline adaptation plan, and that our North Bay RSAP planning team met with Tiburon staff a few days ago. That Notice of Initiation is now on the BCDC website, which makes 12 jurisdictions that have started their formal RSAP planning.

I want to end this short report by reminding Commissioners that BCDC and the State Lands Commission are collaborating in an effort to address impacts of sea level rise on public trust lands, assets, and resources within the Bay. The purpose of this joint effort is to create consistency in how state and local jurisdictions analyze waterfront development projects on Bay tidelands. The result will not be a regulatory document, but a final report that identifies guiding principles for shoreline projects.

BCDC staff lead on the project. Ben Dorfman will now provide a very short update on the project.

Coastal Program Analyst Dorfman addressed attendees: Good afternoon, Commissioners. My name is Ben Dorfman. I am a Coastal Program Analyst on our Long-Range Planning Team.

As Larry mentioned, this is just going to be a very brief overview and introduction to this project. It is the first time we are coming to the Commission about how it is progressing.

It is called the Bay Area Public Trust or BAPT Project for short. There is a convenient acronym for you, Larry. We will come back with a more substantive presentation later this summer.

We also have a short series of slides posted online as a resource. I am not going to go over those right now. I am just going to give a brief verbal overview.

So, like Larry said, this is a joint project with our fellow state agency, the State Lands Commission, and their project consultant Ascent. They both have been great partners so far and we are looking forward to continuing to work with them.

A quick project summary:

State Lands Commission and BCDC both work together throughout the Bay and both agencies recognize the urgent need for sea level rise adaptation projects.

But we want to ensure that as these projects scale up and begin to be implemented that public rights and needs are not left out of the planning process.

So, this project is aimed at helping achieve that goal. We are creating guidance for the Bay Area titled Bay Area Public Trust Guiding Principles. The Guiding Principles will highlight ways to maximize public benefits, invest in adaptation, and achieve multi-beneficial projects.

The project will complement the breadth of other sea level rise planning that is underway throughout the Bay.

It is not going to be a regulatory document, it will be guidance available to Bay Area jurisdictions and their project components.

To date we have conducted engagements and outreach efforts with trustees of granted public trust lands, which are Bay Area cities, counties and ports. We have also talked with tribal governments, business and developer groups, community-based and environmental organizations. All to understand how sea level rise adaptation and waterfront projects can benefit the diverse uses and resources of the Bay Area.

We will be coming back to the Commission later this summer or early fall with a full project briefing that will include more information as the project progresses and opportunities to ask us and our project partners questions.

After that briefing, we are planning to release a draft report for public comment in January of next year, followed by the final report in April of next year.

That is all for now, thanks. Back to you, Larry.

Executive Director Goldzband continued: Thank you very much.

That concludes my Report, Chair Wasserman. Happy to answer questions.

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

Commissioner Eklund a definition question: Actually, I wanted to ask him about what is your definition of public trust lands. I have been on the Council for some time, and I do not even think that we have a designation on public trust lands, even though we have a lot of lands that are wetlands, and so they should not be.

General Counsel Scharff chimed in: I am just going to say, this is the Executive Director's Report. This is not an agendized item.

Commissioner Eklund asked: So, we cannot ask a question?

Mr. Scharff stated: You can ask a short clarifying question, but this goes beyond that. This goes further than that. If you ask, when is the report coming out or something like that, I am good with that. But not substantive questions.

Commissioner Eklund asked: But what is the definition of public trust land.

Mr. Scharff stated: Go ahead, just answer the question.

Long-Range Planning Manager Buehmann chimed in: Commissioner Eklund, I think when we bring this back to the Commission later in the summer, probably with the State Lands Commission, we will provide a definition and provide some clarification on that.

Commissioner Eklund requested: Could you just email it to me?

Mr. Buehmann replied: Sure.

Commissioner Eklund acknowledged: Thank you. I do not want to wait until summer.

Commissioner Gioia noted: It is actually defined under state law, so maybe just send the references. Because public trust lands is a definition under state law.

Executive Director Goldzband added: Yes, we appreciate that, thank you.

Chair Wasserman asked: Any other questions for the Executive Director?

(No further questions were asked.)

6. Consent Calendar

a) Approval of Minutes for June 4, 2026 Meeting

b) Commission Consideration of Permitting Report Contract

c) Commission Consideration of Bay Adapt Strategy and Support Contract

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

(No members of the public addressed the Commission.)

Mr. Buehmann stated: Our Planning Director Jessica Fain and Assistant Deputy Planning Director Dana Brechwald are both on vacation.

I have to make a correction to the Staff Report on the recommendation to enter into a contract with Catalyst to provide strategy and support for the Bay Adapt Initiative.

In the Staff Report it lists for Task 5: Server Administration, but this is not an IT contract and that is not part of the proposed agreement.

Chair Wasserman asked: Any questions from Commissioners?

(No questions were posed.)

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

MOTION: Vice Chair Eisen moved approval of the Consent Calendar, seconded by Commissioner Gunther.

VOTE: The motion carried with a vote of 15-0-0 with Commissioners Ahn, Eklund, Gioia, Gilmore, Gonzalez, Gunther, Hasz, Kimball, Kishimoto, Manfree, Pemberton, Showalter, Taylor, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

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

(No members of the public addressed the Commission.)

(No questions were posed to Ms. Ross.)

8. Public Hearing and Possible Vote on 1301 Shoreway Road Life Sciences Development Project, by 1 Shoreway Owner, LLC, in the City of Belmont, San Mateo County (Application for BCDC Permit M1981.064.03). Chair Wasserman announced: That brings us to Item 8, a public hearing and possible vote on 1301 Shoreway Road Life Sciences Development Project in Belmont.

This is a vote on a permit application from 1 Shoreway Owner, LLC, to redevelop a 6.91-acre site with a life sciences/office campus partially located in the Commission's shoreline band jurisdiction.

The project includes demolition of an existing four-story office building, construction of two seven-to-eight story office research and development buildings, a nine-level parking garage, and installation of onsite and offsite public access improvements.

We will now open the public hearing.

Lindsay Martien of our Shoreline Development Permitting Team will open up the discussion.

Principal Shoreline Development Analyst Martien commented: Good afternoon, Chair Wasserman and Commissioners. I am Lindsay Martien, Principal Shoreline Development Analyst.

I am going to provide you with a brief summary of this application for Material Amendment No. Three to Permit number M1981.064 for the 1301 Shoreway Road Life Sciences Development Project and then I will hand it over to the Applicants to share more details of their project with you.

You received a staff recommendation for this project on June 12, and a revision was sent out yesterday for a minor language change in the section allowing the transfer of maintenance responsibility.

The project is located in the city of Belmont, San Mateo County, along Belmont Creek. Belmont Creek is subject to tidal action from San Francisco Bay, which places portions of the project within BCDC's shoreline band jurisdiction.

The site is bounded by Sem Lane to the northwest, Shoreway Road to the southwest, a PG&E substation to the southeast, and Belmont Creek to the northeast.

Nearby is the 200 Twin Dolphin Drive Commercial Office Redevelopment that came before the Commission in 2022 and was approved.

The project would redevelop an 8.24 acre site, demolishing an existing 4-story medical office building and constructing two new office or research and development buildings, one that is 7-stories tall and one that is 8-stories tall, as well as a 9-level parking garage. Please note that all three buildings Would be located entirely outside of the Commission's jurisdiction.

Within the shoreline band the project would reconfigure an existing surface parking lot and redevelop and expand existing public access areas. No work is proposed in the Bay jurisdiction.

The original permit for this site was issued in 1982 to authorize the existing office building. It has since been amended twice.

The original authorization required the permittee to dedicate for permanently guaranteed public use a 1.3 acre area on the berm separating the property from Belmont Creek, including a trail, benches and signage.

This Material Amendment would fully replace all improvements previously authorized; and this permit is being done as a Material Amendment to track public access and the easement it is located on.

The project would make significant improvements within the existing required public access area, including added trail amenities which I will let the project team describe in more detail.

The project would also expand this area to provide additional dedicated public access.

As shown on the slide, there are small areas in the parking lot where previously dedicated public access would be removed and developed as parking lot. However, overall, the project would provide .25 acres of net new dedicated public access.

In addition, the project includes two areas of public access that would be required through the permit but not formally dedicated with San Mateo County.

The first is a new public sidewalk in the city of Belmont right-of-way that is shown in green, which would provide a pedestrian connection from Shoreway Road to the trailhead. This area would not be formally dedicated because it is already owned by a public agency.

The second is a sports court shown in blue which would replace an existing private sports court with a new shared-use sports court that would be reserved for private use during the workday and open to the public outside of business hours. It would not be formally dedicated because it would not be exclusively reserved for public use.

Relevant policy issues raised by the project include whether the public access proposed is the maximum feasible consistent with the project, and whether the project is consistent with the McAteer-Petris Act and the Bay Plan in terms of the Commission's laws and policies on sea level rise and Bay resources.

The McAteer-Petris Act requires projects in BCDC's jurisdiction to provide maximum feasible public access consistent with the project.

To make this determination, a project is reviewed in its entirety, including areas outside BCDC jurisdiction.

The Commission's Design Review Board has reviewed this project twice, in 2023 and 2024. In response the site elevation was raised, the sports court was opened to the public, and fitness nodes, signage, and two public shore parking spaces were added. Later a drinking fountain was also added.

Current shoreline elevations range from 10.5 to 11.5 feet.

The project would raise the shoreline to 12.5 feet and up to 15 feet in certain areas.

As designed the project is resilient through midcentury under the 2024 Ocean Protection Council's Sea Level Rise Guidance intermediate-high scenario and adaptable to end-of-century.

To address end-of-century flood risks the Applicant would prepare a Sea Level Rise Adaptation Plan.

Something that is unique to this project for BCDC is that the local government has granted up to 10 years for the project to begin construction. The project team has requested the same from BCDC.

BCDC typically grants about two years for construction to commence, after which a project may come back for a time extension.

Special conditions have been included for this project which would allow for a commencement date of up to 10 years, while ensuring the project is consistent with BCDC laws and policies, even if conditions change in that amount of time. Because as you know, the shoreline changes and best available science is evolving.

Two main issues were considered:

First, the project is located adjacent to tidal marsh, and we might see changes to the special-status species on site in the next 10 years. So, if the project does not commence within five years of permit issuance, then prior to construction the permittee would be required to conduct a review for special-status species and ensure the measures included in the permit will avoid adverse impacts.

And second, the OPC Guidance which we consider best available science, is updated at a five-year cycle. So, if the project does not commence for five years, then prior to construction the permittee would be required to demonstrate that the project design is still projected to be resilient to sea level rise at 2050, and adaptable to 2100 based on updated guidance at that time.

Now I would like to pass it over first to Rich Ying from Four Corners Properties who has joined virtually to introduce the proposal, and then to Rene Bihan from SWA Group, who will be presenting the project today.

Mr. Ying presented the following: Thank you Lindsay. Before I jump in and introduce the team I just wanted to take a quick moment to thank everyone and staff for all their hard work in getting the project this far. Lindsay, Katharine, Yuri, Michael.

I know it has been a bit of a slog. I was looking back at my notes. I think our first meeting with BCDC was back in September of 2022. We have come a long way and I really appreciate the hard work.

Regarding our team, we have Rene who is with SWA and I believe he is in-person. Along with Rene I believe Karen is also there with DGA, who is our building architect. Joining virtually, we have Mindie with JSMF who is our land use counsel, Raquel with BKF, our civil, and Mads Jorgensen with Moffitt Nichols, who is our sea level rise consultant. So, with that I will turn it over to Rene.

Mr. Bihan addressed the Commission: I also would like to start by both acknowledging and thanking BCDC staff who have worked with us over the past four years and brought us to this hearing; and particularly to Lindsay.

I am going to try and not repeat a lot of what Lindsay said because I think she queued it up pretty well.

The site is in Belmont. Belmont has a little sliver of land that was disconnected with the construction of the 101 Freeway; and Belmont Creek itself was reconfigured to this L shape that you can see in the bottom left of your corner.

Kind of a tough neighborhood. Bound by the 101 Freeway, a PG&E substation, and the city of Belmont's corporate yard on three sides; but on the fourth side is a nice remnant of Belmont Creek.

I did want to add that for the project development itself, although we are significantly adding building square footage and a parking structure, we are removing basically 135,000 square feet of parking and bringing about 2 acres of more porous space to the site than they have today.

The existing site is a little rough. You can see in the upper right one of the existing nodes.

Image 1 is the end of Sem as you approach the Creek itself. The Creek is not visible currently from Shoreway Boulevard

Image 3 is a node that has recently been touched up. You can see to the right of that the fence that cuts the private tennis court off.

And then the fourth image is from the tennis court looking out at the Creek itself. Again, no visibility.

The proposal really looks to connect the creek not only from Sem but to bring some visibility from Shoreway; and then to improve it basically from end to end.

In addition to elevating the Creek - right now, it is about elevation 10 to 12.5.

We have added four nodes, two nodes I call nature nodes, and two nurture nodes. Two nodes are about wellness and fitness for users, the other two are educational nodes about the vegetation and bird life that currently inhabit the Creek.

The existing court, again, is currently completely privatized. You cannot access it from the Creek itself. As a part of the process, we have opened that up to the public during non-business hours.

We are going to take a walk basically from Shoreline, down Sem, and then through our four nodes.

Starting on Sem Lane. The existing condition as I said, you cannot really tell that there is a creek or anything at the end of it. We are including not only environmental signage to make people aware that there is public access from Shoreway, but a five-foot walkway and improved planting and visibility issues along Sem Lane.

The four nodes, as I said - node 1 and Node 4 are about arriving to the site itself. There are exercise signage for orientation, a drinking fountain and other amenities.

Node 2 and Node 3 are more passive with some educational programs, again about both the vegetation and the wildlife that are to be found there.

So, Node 1, basically there are three designated parking spaces, 10 Class II bike parking areas, a bicycle repair station, environmental graphics to give orientation not just to our node but to the larger area. There has been a lot of confusion in the process about, is this the Bay Trail or is it the Belmont Creek Trail? This is the Belmont Creek Trail. The Bay Trail is on the other side along Twin Dolphin Drive. So, this allows people to understand that and orient to that area.

Just a couple of views of what that arrival would feel like at the end of Sem. Again, you can come by car, you can come by bike, you can walk. The idea is to just get people to know that it is here and it is part of a public program.

That second node is a seating node which we are calling a birding node. Basically, if you spend any time on this site throughout the day you will see different types of bird and wildlife. The idea is to give a more passive respite along the road and to include an environmental graphics program that talks about the type of wildlife that inhabit this part of the Bay and hopefully encourage birders to come here.

So again, a view to the node. Some big timber seating, porous decomposed granite paving, and of course the signage itself.

The second node is more a node about the vegetation. I think a lot of people would have a hard time distinguishing what a wetland is actually made of, what a tidal marsh is. This is intended, again, to give a passive, just small respite, where people could enjoy learning a little bit more about the greater Bay Area and its environment.

This is a view from the node back to the project itself. Although the courtyard is private, they do share an ecology, and the plant and animal life is designed to carry through the project, and quite frankly, to be a big part of what makes this a desirable site.

The fourth node, again, is a multi-use fitness node. Again, you can see that we are opening the sports court, multi-use court, on the public use side. The public is welcome to use the court during non-business hours. There are specific fitness programs there, there is seating. The idea is that at both ends of the trail itself you could use in combination if you want to do a quick workout, that sort of thing.

Again, two views of both the exercise equipment and the court that has been opened to the public.

That concludes my presentation. Thank you.

Chair Wasserman acknowledged: Thank you very much.

Do Commissioners have clarifying questions?

Commissioner Gunther was recognized: The staff said that the project has been designed to be 12 feet above sea level and I was not sure what that meant. That is 12 feet above what?

Mr. Bihan stated: The buildings are at elevation 12, the berm itself is 12.5.

Commissioner Gunther asked: Was it NAV88, that standard?

Ms. Martien confirmed: Yes, NAV88, yes.

Commissioner Eklund commented: I just was kind of curious, who is going to maintain all of this stuff that you have proposed along this path? Is the ownership of the building going to be maintaining that over time or is the city of Belmont going to be?

Mr. Ying stated: Yes, the ownership of the building will be maintaining it over time.

Mr. Bihan chimed in: Just to answer the previous question, base flood elevation is 10, we are elevated 2 feet above that.

Commissioner Showalter was recognized: I wanted to know what are business hours?

Mr. Ying replied: Business hours are, I believe we established 8:00 to 6:00.

Commissioner Showalter acknowledged and asked: Okay. And that is in the document somewhere?

Ms. Martien replied: Yes. Just a minor correction. The hours are specified in the permit. It is daylight hours. On weekdays that is before 8:00 a.m. and after 5:30 p.m., and then weekends during daylight hours.

Commissioner Showalter continued: Thank you. We have had some problem locally with definitions of what that is in sharing parks, so I wanted to ask that question.

And then the other question I wanted to ask is when do you expect construction to begin?

Mr. Ying answered: Well, if I knew the answer to that question I would not be sitting here, I would be sitting on a beach somewhere. We really do not know. It is a function of the markets and the economy and heading back to office and so on and so forth.

Vice Chair Eisen chimed in: A couple of clarifications. Is it Sem Road that provides the public access to the public access? Is that how they get to that area?

Mr. Bihan explained: Sem is one way, you can also get there from the existing trail.

Vice Chair Eisen continued: Okay. You mentioned a parking structure that is going to be altered or built. Is that where the public is going to be allowed to park to access the public access area?

Mr. Bihan replied: No, there are three public spaces at the entry node, one exercise node, and there are two spaces down at the sports court.

Mr. Ying added: There is also public parking along Sem Lane.

Vice Chair Eisen noted: Right, I did notice that. And then I thought your two illustrations of the signage were great. I always enjoy those informational signs. I did notice, I pointed it out to Zack that the bird you have got on your signage is a rose-breasted grosbeak which does not occur in California, so I am sure that it was just illustrative and you will have an actual bird that we can see in California. (group

laughter)

Mr. Bihan agreed: Yes, absolutely.

Mr. Ying stated: That is some good knowledge.

Commissioner Taylor spoke: Thank you for the presentation. My question is about the BSL level 3, since I believe this will be the first in that area. If you could just describe it because I do not understand the differences between 1 to 2 and then 2 to 3 and 3 to 4. Thank you.

Mr. Ying replied: I know that the neighboring cities for both I believe Redwood City and San Carlos, they had only approved for BSL-2. And based upon feedback from tenants, the city of Belmont took the feedback constructively and many tenants really recommended that BSL-3 be the appropriate level. Just because if you are 2 or below it really limits the pool of potential life science tenants that could occupy the space.

Ms. Kuklin chimed in: This is Karen Kuklin. Do you want some added explanation or is that enough?

Commissioner Taylor responded: Please do. Thank you.

Ms. Kuklin continued: Well, you could consider this room a BSL-1 space. Just generally most lab spaces are BSL-1. BSL-2 requires hand washing, a lab coat, and some procedures that they follow. Some operational procedures is what you might call them.

BSL-3 labs generally have work in biosafety cabinet and the effort there is to protect people and product from what they are working on. There are definitely procedures around cleanliness, around sometimes gowning very often. But they are not hazardous in some way. BSL-4 labs are confined to government agencies.

There is an explanation on the CDC website that gives a really great explanation of BSL labs.

Commissioner Janoff chimed in: I was wondering. You mentioned that Belmont Creek's original path was rerouted, I guess to a flood control channel. What was Belmont Creek's original path and how does that impact potential pluvial flooding onsite?

Mr. Bihan stated: I wonder if Mads can answer that.

Mr. Jorgensen fielded this question: Yes, sorry. I am not aware of the time when the Creek was realigned, but I think it goes quite far back. Since then, I think it is utilized as a flood discharge channel and has been assigned as such. I think the creek portion and then the slough is the part that is attached/connected to San Francisco Bay.

Commissioner Janoff continued: I think you see where I was going with the question. If we have a Super El Niño upcoming and there is a massive amount of water coming in through the watershed, what is the flood risk? Not necessarily from sea level rise, which is important to ask about, but sea level rise and groundwater rise. You are raising the elevation, but you are also going to have water coming in from upstream. And if the natural watershed wants to direct water to the site, I am just curious about the flood risk as a result of that.

On a similar note too, the second building construction appears to be closer so there is less of a horizontal separation from the Creek center line. Does that impact the flood risk on the site as well?

Mr. Jorgensen replied: Thank you. Yes, I can give some input on that question. I will say that we have in the news headlines a Super El Niño shaping up heading into this fall and winter. If we get a strong to very strong El Niño, sea levels can rise temporarily to 12, even 18 inches out on the coast and in the Bay, so that is what we could expect.

In terms of flood risk, I think this is already integrated in our modern-day base flood elevations and flood risk assessments. The historical storm events that have occurred in the Bay Area in '83 and '98, all those really major storms where a lot of flooding occurred, they happened at a time when there was a storm over the Bay Area. There was storm surge. Strong winds pushed waters up against shoreline areas and it was during a period of a strong El Niño. So those are the defining conditions for the major storms in the Bay Area. But they are already considered in our Bay Area flood hazard assessments.

Commissioner Janoff opined: I suppose the increase in previous surfaces actually could be a good thing for flood risk because you would have less water sitting and pooling and more infiltrating potentially.

And then I wanted to give a plug because we are talking about site elevation raise, and earlier we were talking about SWAP and beneficial use of not only dredged material but upland soil. I imagine dredged material would not be good for site elevation because of compaction. But I think it is important to track the Bay Plan Amendment process and the beneficial use of upland soils and the potential for that application here could be good. Thank you.

Commissioner Eklund commented: Since we do not know when they are going to start construction shouldn't we have a condition of approval that says something like 160 days prior to beginning construction that they need to check with BCDC to see if there are any changes and also trying to incorporate the suggestion from my colleague there about that they need to check in with us because it could be a year, it could be 5, it could be 10, it could be 20. So, help me to understand how that would work.

Ms. Martien answered: Yes, thank you for your question. In order to build in that flexibility for the extended timeline, you are right, we wanted to look at ways that conditions could change, either on the site itself or in best available science that is accepted at BCDC. So, two main things really stood out to us as things that could change.

One was for Bay resources. Looking at special status species that might not currently be present on the site but that may over the next 5 to 10 years move into the site. That is something that we would require the Applicant before construction begins, if it has been more than five years, to come back to BCDC to do an analysis on the site with a certified biologist and just confirm that if there are any changes to the special status species that we are seeing or if any additional species have become listed or candidate species in that timeframe, that we have a conversation to confirm that the conditions that are in the permit for Bay resources are still protective of those resources.

And then the second thing that we really looked at is sea level rise. Because the OPC Guidance for that is evolving, it is updated on a five-year cycle. So we included in the permit a condition that if the construction does not begin for five years then there is a checkpoint with BCDC where we confirm that the design, at least

the public access areas as they are designed are resilient to 2050 and adaptable to 2100 based on whatever the best available science is at that time before the construction begins. Just to do that check on the design before the development is constructed.

Commissioner Eklund asked: But does that also include the rise of groundwater? I am not too much of a technical person, but I know that as sea level rises so does groundwater. So, trying to take in also the comments from our Army Corps of Engineers representative - is sea level rise and groundwater elevation a factor on that second condition?

Ms. Martien stated: Flooding would be looked at as well if a revised risk assessment is needed. And that is something that is included in the permit. If there is flooding on site or if conditions have changed or the way that the sea level rise is evaluated it would look at groundwater and site flooding as well.

Commissioner Eklund added: But shouldn't it also include rise of groundwater, because it may not be flooding right then but the rise in groundwater could have impacts for the future especially about the stability of the construction on top of that particular part of the project. Couldn't we add groundwater elevation as well?

Ms. Martien replied: It is a good question. The risk assessment that the Applicant prepared for this project included looking at the rising groundwater, and so any revision to that risk assessment would also look at rises to groundwater elevation.

Commissioner Eklund acknowledged and stated: Okay. I just would feel a little bit more comfortable if in our condition it included groundwater. Who knows what is going to happen in 5 or 10 years. Whether the documents are still going to be available or whatever. We just do not know what the future is going to bring.

Shoreline Development Program Manager Pan chimed in: I think I just might add. I am Katharine Pan; I am the Shoreline Development Program Manager.

The way that we ask permittees or applicants to assess vulnerability right now is based on the OPC Guidance, so whatever is the most recent set of sea level rise projections coming out of the state of California at the time.

The way that the condition is currently structured we are asking them if they do not begin construction within five years, to review any updated OPC Guidance for changes in basically the projections.

If the OPC Guidance, if the science underlying that shifts or if it is showing more conservative or less conservative numbers than we see today, then that is what would trigger additional review of the sea level rise risk.

At BCDC we do look at groundwater as a part of that. It is all connected. And so that is something that would be covered the way that the condition is structured right now.

Commissioner Eklund asked: So, groundwater is not considered in the OPC Guidance, but it is included in the BCDC guidance? Yes, no?

Ms. Pan replied: Yes.

Commissioner Eklund continued: Because you did not mention that the OPC does have groundwater included in that.

Regulatory Director Ross chimed in: We just looked it up to double check and confirmed, but BCDC's climate change policies does cover, the sea level rise risk assessment does cover flooding from groundwater rise, so we are covered.

Commissioner Eklund acknowledged: Okay, great, thank you.

Ms. Pan noted: But you are also correct, Commissioner, in that the levels, the sea level rise levels are also connected to the levels that we see with groundwater.

Commissioner Gilmore was recognized: I have a question for staff about Appendix A, the Compliance Table. I have to say first of all, it is very nice to see that all set out. And maybe this is old age, but I do not remember having seen such a table before.

So, one question is, has this been generated due to the size of the project or is this something that we are just starting to do that the Commission gets to see?

But the heart of my question is, does this table get plugged into our new software so that it can be spit out for compliance as these dates come up? Because I am really interested in seeing in real time how we are using our new software and that begs the question of how well the new software is up and running?

Ms. Martien answered: Thank you for your question. You are correct, this is a newer thing that we are doing, to include a compliance table with the permit. A few major permits have included them, but they are still fairly new. The goal is to make meeting these compliance requirements easier for the permittee and also easier for BCDC's Compliance Team. We have provided it here as an appendix so that it can be easily updated as needed.

As for your question about the integration with the software. I do not have an answer to that yet.

Ms. Ross chimed in: If you are talking about, Commissioner Gilmore, the new database, that is something we are planning to incorporate, compliance activities into it. We are not there yet but it is in the plan.

Commissioner Gilmore stated: Great. And I just want to say I think this compliance table, particularly for larger projects, is just an absolutely great idea, so thank you to staff.

Commissioner Gonzalez commented: Thank you for the thorough presentation. Just really quickly. The buildings themselves, are they subject to the BCDC jurisdiction, or are we really talking about the public use space?

Ms. Martien answered: The portions of the project that fall in BCDC's jurisdiction, which would be the shoreline band jurisdiction in this case, are a portion of the parking lot, the surface parking lot, and the public access trail, portions of the sports court and other public access amenities. The two office and research and development buildings as well as the parking structure are all fully outside of BCDC's jurisdiction. However, they are considered when evaluating whether the public access provided is the maximum feasible consistent with the project as a whole.

Commissioner Gonzalez continued: So, in that regard, when we think about things like groundwater intrusion is it with respect to the public access spaces and then the limited portion of the parking lot, or is it with respect to the site as a whole?

Ms. Martien stated: My understanding is that the public access spaces are required to be resilient to 2050 and adaptable to 2100, yes.

Chair Wasserman asked: Comment?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Lindsay, would you present the Staff Recommendation?

Ms. Martien stated: Staff would like to make a minor correction to the Staff Recommendation, which is reflected in the revision sheet shared with you yesterday for a language change on the process of transferring public access maintenance responsibility. With this correction staff recommends that the Commission approve the permit application with conditions including requirements to:

- Expand the existing dedicated public access area to 1.6 acres
- Provide a new publicly-accessible sidewalk
- And shared-use sports court
- Minimize potential impacts to Bay resources
- Prepare a Sea Level Rise Adaptation Plan to address flood risks through end-of-century
- If the project has not commenced within five years of issuance:
    - Review special-status species and ensure minimization measures avoid adverse impacts
    - Demonstrate required public access will be resilient to sea level rise

As conditioned, staff believes that the project is consistent with the Commission's laws and policies and recommends that you adopt the recommendation for approval.

Chair Wasserman asked: Does the Applicant accept the revised and final recommendation?

Mr. Ying stated: We do.

Chair Wasserman acknowledged: Thank you. May I have a motion and second to close the public hearing?

MOTION: Commissioner Eklund moved to close the public hearing, seconded by Commissioner Gunter. The motion carried by with no abstentions or opposition.

Chair Wasserman asked: Now, is there a motion and second to approve the final recommendation?

MOTION: Commissioner Gonzalez moved approval of the Staff Recommendation, seconded by Commissioner Eklund.

VOTE: The motion carried with a vote of 15-0-0 with Commissioners Ahn, Eklund, Gioia, Gilmore, Gonzalez, Gunther, Hasz, Kimball, Kishimoto, Manfree, Pemberton, Showalter, Taylor, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

Chair Wasserman acknowledged and continued: Thank you all, thank you for the work. We look forward to commencement at some point.

9. Briefing on Legislative Matters. Chair Wasserman announced: That brings us to Item 9, a briefing on state and federal legislation of interest to BCDC.

Rylan Gervase, BCDC's Director of External & Legislative Affairs, will brief us on various state and federal legislative proposals that may be of interest to us.

Director of Legislative & External Affairs Gervase presented the following: Thank you, Mr. Chair.

Commissioners, I am back with more bills for your attention, but first a couple of items of context with where we are in the state legislative calendar.

The first big winnowing of bills occurred at the end of May with the House of Origin deadline. The remaining bills now have until the end of August to pass their second house.

Also, the Senate and Assembly passed a joint budget on Monday. The Governor has until July 1 to sign and may in fact exercise his line-item veto.

Overall, though, things are looking good for the next fiscal year. Revenues from AI stocks have stayed strong enough to erase the $25 billion deficit the Legislative Analyst's Office initially predicted in November. The governor even included $125 million to purchase Golden Gate Fields and turn it into the Bay Area's newest shoreline park.

That being said there are still some significant items being left up to further negotiations. Including as Larry mentioned, the allocation of cap and invest funding as policy makers debate affordability concerns.

With that, let's dive into the bills.

Our first bill today, AB 2218 by Assembly Member Kalra, declares it the policy of the state to address inequities in tribal access and control over water through financial assistance, protection of tribal water uses, incorporation of indigenous knowledge, and most importantly for our purposes, tribal consultation.

Over the past two decades the state has taken action to address tribal water rights. Water rights in California, I will remind you, are based on the first-in-time first-in-right principle. Historically this principle was applied in a way that pretty much disregarded indigenous water use prior to European settlement and excluded tribes from rights to water that they historically used.

Both the Brown and Newsom administrations have signed executive orders, and the Legislature has passed subsequent legislation that encourages all agencies, including BCDC, to consult with California Native American tribes to provide an opportunity for meaningful input into the development of regulations, rules and policies on matters including permits.

Agencies including the Natural Resource Sources Agency and the State Water Resources Control Board have developed policies on tribal consultation which spell out exactly how to implement these goals.

However, in 2024 a lower court issued a preliminary injunction against the State Board on a groundwater dispute, arguing that the Board had exceeded its authority and citing the Board's Racial Equity Resolution as an example. Although the injunction was overturned on appeal, the Court of Appeal did not opine on the legality of the Board's resolution.

So that is what is motivating the bill today. AB 2218 is designed to be a vehicle that provides a legal basis for these kinds of policies in the state.

So, what does this bill mean for BCDC? As you can probably tell, this bill is mostly directed at the State Board and water rights, which is not exactly an issue under our purview. And quite frankly it is hard to say as the bill is written pretty vaguely and does not provide much direction to the implementing agencies. The bill does appear to require tribal consultation on all permits and regulatory changes.

We would have to revise our own tribal consultation policy to adopt this. Today BCDC typically consults with tribes on amendments to the Bay Plan and assists applicants with tribal consultations when appropriate on subregional shoreline adaptation plans and major permits.

For reference, we typically process about 10 major permits every year. Each of these consultations can involve mailing up to 100 different tribal liaisons and their affiliates. So, with BCDC processing up to 250 permits any given year we are looking

at a major workload increase for our permitting as well as our Environmental Justice teams as well as potentially extending some permitting timelines.

Additionally, without much clear standards, guard rails, or limits, there is a risk that this bill could expose BCDC and permit applicants to litigation.

So, while the bill has yet to receive a no vote, it does affect many of the Governor's water priorities.

The bill also has a large coalition in opposition which includes the water agencies and utility associations as well as the Farm Bureau.

Personally, I am expecting the author will need to make some substantial amendments in the Senate if the bill is to survive.

That is all I have for now on this one.

As I promised back in March, we are going to take some time today talking about federal legislation. One caveat though is that almost none of the bills we talk about today is likely to become law. Even at the best of times, it is very, very difficult to pass a bill through Congress. Only about 7% of the bills become law in sessions where Congress is working well together.

Comparatively, the California Legislature is basically a lawmaking factory with around 40% of introduced bills becoming law at the end of a session.

So why do we bother talking about any of these federal pieces of legislation?

Well, unlike the California Legislature, Congress does not have to deal with the single subject rule. The best way to pass a bill is to stick it in another bigger bill. Some of the bills we talk about today may in fact become part of a future highway bill or a Water Resources Development Act or another piece of omnibus legislation.

I will start off with a couple of bills that are all being supported by the Coastal States Organization, which represents BCDC, represents the Coastal Commission and the Coastal Conservancy, along with the other coastal zone management programs in the 33 other coastal states. I will run through them pretty quickly.

The first one is the BEACH Act of 2025. This bill provides $30 million for coastal water quality monitoring.

The second is the Keep America's Waterfronts Working Act, which would provide $50 million annually for grants and loans to expand and preserve working waterfronts, including public access features.

The third is the Resilient Coasts and Estuaries Act of 2025, which provides $47 million annually for grants to protect coastal properties threatened by climate change and by development.

The fourth is the Preventing Environmental Hazards Act of 2025, which amends the National Flood Insurance Program to allow payments to property owners to demolish or to relocate areas below mean high water levels.

And the final bill on this list is the Digital Coast Reauthorization Act of 2025 which allows NOAA to keep collecting data through the Digital Coast Program for another five years, which would be highly beneficial if the federal government wants to keep collecting data.

We will be keeping our eye on all of these in case they do in fact move.

I also wanted to highlight a couple of other bills and do a bit of a deeper dive on these.

The first one, which is the SHIPS for America Act, is really three different bills. It is basically a massive effort to revitalize the US maritime industry. Historically the US was a global leader in shipbuilding but over the last many decades it has been underinvested in. As a matter of fact, countries like China have been allowed to surpass the US. In fact, China built more ships in one year, 2024, than the US has built in the entire series of years since World War II, according to the Center for Strategic and International Studies.

There are many provisions in the SHIPS Act which include the creation of national oversight bodies, blue collar recruitment measures.

But the one of interest to our work is the creation of maritime prosperity zones and investment tax credits.

The sponsors of the California Forever Project have been advocating in the media for the designation of the California Delta as maritime protection zones, including the Suisun and San Pablo Bays, which would overlap with our jurisdiction. The thought behind that is to turn that part of Solano County into an industry town with housing for workers and future advanced manufacturing facilities, including theoretically a ship building facility at Collinsville. That is something that in time would have big implications on that part of the Bay and would come before the Commission potentially for a permit for the shipbuilding facilities as well as any associated dredging.

The next bill, which is the Abandoned Vessel Prevention Act, is sponsored by Congressman Harder and Congressman Garamendi and it looks to address the increasing proliferation of abandoned vessels in the Bay.

It does this by holding the seller liable for a sunken vessel for up to 12 months after the sale if the buyer does not have insurance.

It is important to note that this only applies in the case of larger and older commercial vehicles that have been sold for recreational use. So, it does not completely address every single abandoned vessel that we are seeing in the Bay, but it does cover the biggest and potentially most expensive to remediate and haul away.

And then the final federal bill I will talk about today is the ADAPT Assets Act, which is also sponsored by Congressman Garamendi.

This bill authorizes up to $10 billion for a national pilot program for projects that protect critical infrastructure from natural disasters, including funding.

This bill is a vehicle that is targeted at financing the long-term fix for State Route 37, which of course Caltrans previewed or alluded to at the recent Commission hearing on the short-term fix we had a month ago.

I will add that one quirk of the Congressional process is that although this bill authorizes the use of funding, Congress would still have to later actually appropriate $10 billion to fund this if it does pass, in a separate act. Ideally this bill would get picked up as a part of the next highway bill.

And that is it, real quick. Thank you all for your time. We are definitely going to be working opportunistically with the Coastal States Organization and our fellow coastal zone management agencies on these federal bills. And with that I am happy to answer any questions.

Chair Wasserman continued: I just want to start with a brief comment. This is on the State Bill 2218. Our staff has been working diligently and effectively I think on tribal consults and continue to expand that and it is important. This bill if truly

applied to BCDC, at least as I understand it, would very significantly overburden not only BCDC but also the tribes.

Think about the 250 permits that we do that have next to no effect on any tribes and require letters to all of them. Most of which would probably be ignored. But now you are setting up a whole pattern that would be small.

I think this is unintended. I hope that Rylan's work with the author will take care of it. Hopefully by excluding BCDC, but if not certainly by clarifying it.

But I want to make it very clear that is not because we have any objection to consulting with the tribes, we do not and we do so effectively and vigorously and enthusiastically.

Commissioner Showalter commented: I wanted to ask about the abandoned vessel one. I probably should have been paying more attention. But did you say that that only applies in California or is this a nationwide bill? It is a federal bill.

Mr. Gervase answered: Yes. My understanding is it does apply nationwide. The exclusions I mentioned, those are for the type of vessel rather than the geographic location.

Commissioner Showalter continued: Okay. Because I know that this is not just a problem in Democratic regions, it is a big, big problem in Louisiana and Texas and other places as well.

Commissioner Eklund chimed in: I just wanted to ask; on the federal bills which ones do you think have a possibility of getting passed within this year or next?

Mr. Gervase replied: Can I say none?

Commissioner Eklund acknowledged: That is fine, I am just kind of curious.

Mr. Gervase continued: I think right now with a Republican Congress a lot of these are not going to rise to the top level. I think these days if you do want to see a bill passed you definitely need strong bipartisan support.

There are a couple of the ones I mentioned that do have that. I would say the Digital Coast Reauthorization Act has some bipartisan co-authors; there's a couple of other ones in there. But I think most likely these bills are more designed to attract attention to the issue and then ideally, they get put into an omnibus package at some point. But I cannot say for sure that will actually happen for any of them this year or next year.

Commissioner Eklund acknowledged: Okay, great. Thank you for letting us know, thank you.

Chair Wasserman asked: Do we have any public comment?

(No members of the public addressed the Commission.)

Commissioner Janoff chimed in: This one might be out of left field but I am particularly interested in the Golden Gate Fields acquisition. I assume there are no plans yet that have been published around it if it has not been acquired yet. Where I am going with this is I am thinking of a beneficial use opportunity, either upland soil or dredged material. And maybe that is a point of homework for me is to continue tracking this on my end.

Mr. Gervase replied: Yes, I think it is definitely a very interesting case. I think there is still a long way to go in that project. When I was at the Department of Water Resources, I was on an interagency task force to establish another park in the East Bay, this would have been an inland one, and unfortunately that one did not get past the purchasing phase. This is just step one of a very long multi-step process, but I

think it definitely comes before the Commission for, of course, a permit at some point if it does get there.

Commissioner Eklund commented: Does BCDC have a policy that the preference for reuse of dredged material is for within the San Francisco Bay? We do?

Executive Director Goldzband spoke: If you if you have taken a look at what BCDC has done over the last 10 years through the Long-Term Management Strategy, BCDC consistently advocates for more and more and more beneficial reuse of dredged materials throughout San Francisco Bay and the shore.

Commissioner Eklund acknowledged and asked: Right. But do we have a statement that says that that is the first option that applicants can should look for?

Executive Director Goldzband stated: We say it all the time. It is in writing all over the place. And that is also why there is now what is called the SWAP, which you all talked about two weeks ago at the workshop, which is how beneficial reuse could and should be part of the San Francisco Bay Plan.

Commissioner Eklund acknowledged: Okay. Because I think it is important for us to support the Army Corps of Engineers' efforts of trying to really reuse this material rather than just dumping it into a water area. I want us to be able to support the Army Corps of Engineers in what they are doing.

Commissioner Janoff added: I can confirm that it is indeed in various permitting documents and also externally and also tied to the LTMS that beneficial use is always front and center coming from BCDC, and with SWAP of course.

Chair Wasserman continued: I see no further hands. That concludes this item. Thank you Rylan.

10. Closed Session: Conference with Legal Counsel – Anticipated Litigation. Chair Wasserman stated: Now we are coming to Item 10, the closed session conference with legal counsel concerning anticipated litigation.

There are going to be several steps here that we need to take carefully and hopefully all the Commissioners can participate, please.

First, before adjourning, do we have any public comment on this item?

(No members of the public addressed the Commission.)

Chair Wasserman continued: Thank you. Members of the Commission who are here at Metro Center will move physically to the Claremont Room, which is over there.

Those who are participating remotely must do two things, and please do listen carefully so we do not make Sierra's life really hard.

First, please make sure there is no person in the room with you unless it is another Commissioner or an Alternate. Close the doors to your room and place a sign that says "Do Not Disturb" unless you are clearly in an area where nobody is going to be.

Second, you will need to leave this virtual meeting completely and enter the second link which you will find in an email from Sierra that she sent both yesterday and early this afternoon. There are instructions in that email on how to join the closed session remotely. When you join the Zoom program you will not automatically join the meeting, but Sierra will let you in.

If you have any issues, please let Sierra or Larry know immediately.

We are now adjourning to a closed session.

(The Commission was in closed session from 2:45 p.m. to 3:50 p.m.)

After reconvening the meeting Chair Wasserman announced: We have a quorum. We took no action in closed session. We are now adjourned.

11. Adjournment. There being no further business, the Commission meeting was adjourned at 3:51 p.m.